



**Personnel Procedures Manual  
For Mahoning County Employees**

**Board of Mahoning County Commissioners  
Effective January 1, 2005**

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**Welcome to Mahoning County**

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This Personnel Procedures Manual represents the personnel policies of the Board of Mahoning County Commissioners. We retain the absolute right to modify or alter these policies based upon professional and business concerns we consider in the best interest of the Mahoning County.

The policies and regulations set forth in this Manual are only guidelines and do not represent an employment contract. The Personnel Procedures Manual is designed to enhance County operations and may be changed with or without notice, although the Board of Mahoning County Commissioners will endeavor to notify you of any changes as necessary. The policies, practices, and benefits described herein are subject to modification, revocation, suspension, or termination by the County at any time with or without notice. Further, the County has the exclusive authority to, in its discretion, interpret the policies, procedures, and benefits contained herein and determine whether to apply such policies, procedures, and benefits in any given situation.

The Board of County Commissioners will make every effort to provide rewarding careers to its employees. The Board makes no guarantee of length of employment or advancement. Further, we expect both length and advancement will be impacted by your adherence to the standards of performance and conduct contained in this Manual.

**The mission of Mahoning County Government is to improve health, safety and welfare of its citizens. Mahoning County Government is dedicated to preserving and enhancing the outstanding quality of life that has made our community a desirable place to live, work and raise our children. By insuring economical, superior service to our citizens, County Government will insure the promotion of orderly growth for the economic health and safety of its citizens.**

## **CHAPTER 1**

### **1.1**

#### **INTRODUCTION AND PURPOSE OF POLICIES**

This Personnel Policies and Procedures Manual ("Manual") contains policies for the employees of Mahoning County. All employees charged with the responsibility of administering policy must be familiar with its contents. This Manual is a guide to be used by the Appointing Authority and other managerial staff to ensure uniform and nondiscriminatory application of the conditions of employment. It is essential that these policies be administered in a systematic, fair and impartial manner.

There will be situations that require administrative interpretation of these policies. Every effort will be made to ensure that such decisions are made objectively with the general intent of the policy in mind.

The policies contained in this Manual are subject to and are in accordance with the laws of the State of Ohio. If a policy contained in the Manual conflicts with the terms or conditions of a collective bargaining agreement between the County and a recognized collective bargaining group the terms of the negotiated agreement will be followed. All efforts will be made to negotiate provisions consistent with this manual. In the event there is a conflict between this Manual and any other applicable law or legal document, the applicable law or legal document shall prevail. In the event that future legislation invalidates or changes any of the provisions contained herein, the balance shall remain in effect.

**DEFINITIONS**

Unless otherwise specifically indicated in these policies, the following definitions will apply:

- A. Appointing Authority means the Mahoning County elected officials, boards or commissions authorized by law to make appointments to the several positions of their departments. The Appointing Authorities for Mahoning County departments are as follows:

<u>Department</u>	<u>Appointing Authority</u>
Commissioners	Board of Commissioners
Building Inspection	Board of Commissioners
Dog Warden	Board of Commissioners
E911	Board of Commissioners
Emergency Management Agency	Board of Commissioners
Jail Medical	Board of Commissioners
Lead Hazard Abatement	Board of Commissioners
Microfilm	Board of Commissioners
OMB	Board of Commissioners
Personnel	Board of Commissioners
Purchasing	Board of Commissioners
Recycling Division	Board of Commissioners
Sanitary Engineer	Board of Commissioners
Special Projects	Board of Commissioners
Child Support Enforcement	Commissioners & Director
Human Services	Commissioners & Director
Auditor	Auditor
Data Processing	Auditor
GIS	Auditor
Clerk of Courts	Clerk of Courts
Austintown Court	Clerk of Courts
Boardman Court	Clerk of Courts
Canfield Court	Clerk of Courts
Sebring Court	Clerk of Courts
Coroner	Coroner
Engineer	Engineer
County Court/Bailiffs	County Judge
Court Reporters	Administrative Judge
Common Pleas	Judge
Domestic Relations	Domestic Relations Judge
Juvenile Justice Center	Juvenile Court Judge
Probate Court	Probate Court Judge
Prosecutor	Prosecutor
Recorder	Recorder
Sheriff	Sheriff
Treasurer	Treasurer
Law Library	Board of Directors
Drug & Alcohol Board	ADAS Board
Board of Elections	Board of Elections
Veterans Administration	Veteran Services
Children Services	Children Services Board
Board of Health	Board of Health
Soil and Water Conservation	Board of Commissioners
Planning	Board of Directors
648 Board Health Clinic	Mental Health Board
169 Board Health Clinic	Mental Retardation Board

- B. Classification means a group of positions that involve similar duties and responsibilities, require similar qualifications and which are properly designated by

a common descriptive title indicating the general nature of the work. A classification may include only one position.

- C. Classified employees are those who are employed by the County and not specifically included in the unclassified service.
- D. County means the County of Mahoning, State of Ohio.
- E. Employer means the Appointing Authority, or the designee of the Appointing Authority, authorized by law to make appointments to positions.
- F. Exempt employees are those who are not subject to the Fair Labor Standards Act.
- G. Non-exempt employees are those who are covered by and subject to the Fair Labor Standards Act.
- H. Position means a group of duties and responsibilities assigned or delegated by competent authority to be performed by one person.
- I. Position Description is a written statement of duties defining essential functions of the job, percentage of time spent on those functions, and bona fide occupational qualifications.
- J. Supervisor means any individual who has authority, to effectively recommend actions to hire, transfer, suspend, lay-off, recall, promote, discharge, reward, discipline and adjust grievances; to direct the work of employees on a daily basis; to responsibly manage, direct, and assign the work of subordinates.
- K. Unclassified employees are those who are specifically excluded from the classified civil service by Section 124.11 of the Ohio Revised Code.

**ETHICS OF PUBLIC EMPLOYMENT**

The proper operation of democratic government requires the actions of public officials and employees be impartial; that government decisions and policy be made in the proper channels of government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. Recognition of these goals established a Code of Ethics as follows for all officials and employees appointed and employed by the County.

- A. No employee shall use his official position for personal gain, or shall engage in any business or transaction or shall have a financial or other interest, direct or indirect, which is in conflict with the proper performance of his official duties.
- B. No employee shall release confidential information concerning the property or government affairs of the County in contravention of the law or this manual. Nor shall he/she use such information to advance the financial or other private interest of himself or others.
- C. No employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the County; nor shall employees accept any gift, favor or item of value that may tend to influence any decisions of the employee or his/her supervisor.
- D. Any employee offered a gift or favor who is not sure if its acceptance is a violation of the Code of Ethics should inform his supervisor of the gift offer. The supervisor will make a decision or refer the individual to legal counsel. No employee will accept from any contractor or supplier doing business with the County, any material or service for the private use of the employee.
- E. No employee shall represent private interests in any action or proceedings against the interest of the County in any matter to which the County is party.
- F. State law prohibits employees and officials from having a financial interest in companies, which do business with public agencies subject to minor exceptions. Employees who have any doubt concerning possible violations of these statutes are advised to consult their own attorney.
- G. No employee shall engage in or accept private employment or render services for private interest when such employment or service is in conflict with the proper performance of his official duties or would tend to impair his independent judgment or action in the performance of his official duties. Any employee having doubt as to the applicability of a provision of this Code to a particular situation should consult his supervisor or department director.
- H. No employee will service their own case or the case of a relative or friend. Complaints or requests for service relating to an employee's case shall be processed and serviced in accordance with the authorization of the Appointing Authority or Director.

**CODE OF CONDUCT**

Certain rules and regulations regarding employee behavior are necessary for the efficient operation of the County and for the benefit of all employees.

Conduct that interferes with operations or is offensive to clients, fellow employees, or the public will not be tolerated. All employees are expected to conduct themselves and behave in a manner that is conducive to the efficient operation of the County.

This includes:

1. Performing assigned tasks efficiently and timely.
2. Reporting to work punctually as scheduled and being at the workstation ready for work just prior to the assigned starting time.
3. Notifying the immediate supervisor when the employee will be absent from work or is unable to report for work on time.
4. Wearing clothing that is appropriate for the work being performed.
5. Smoking only in designated areas.
6. Eating or drinking beverages only during meal periods and rest periods and only in the designated areas.
7. Maintaining an orderly work area.
8. Treating all clients, the general public and fellow employees in a courteous manner.
9. Refraining from behavior or conduct deemed offensive or undesirable.
10. Adhering to safety rules and procedures.
11. Refraining from interfering or disrupting the normal daily procedures for processing payments by sorting through the mail for their own personal payment. Nor shall they submit a request orally or in writing to the cashier unit for particular favors to have their personal support payment received and disbursed before all other payments.
12. Refraining from discussing any County related matter, either with the client or other individuals within the reception area. Only the receptionist or person performing the duties of the receptionist may discuss, make inquiry to better understand to whom the client may be directed.
13. Refraining from visiting with other employees for personal reasons during work hours.
14. Refraining from accepting money from clients for County related business when not on County time.
15. Refraining from conducting non-County related business on County time.

The examples given are illustrative of the type of behavior that is expected but are not intended to be all-inclusive.

**STATEMENT OF POLICY**

The County retains the right to determine matters of inherent managerial policy, which include, but are not limited to, areas of discretion or policy such as the functions and programs, the standard of services, the overall budget, the utilization of technology, and the organizational structure; the right to control the premises; the right to make selections and to locate buildings and other facilities in accordance with State Law; the right to control the use and status of all facilities, property, equipment processes, or work; the right to promulgate personnel policies to establish standards of conduct for employees; the right to establish a workweek, including the establishment of starting and quitting times and the hours of work for employees; the right to direct, evaluate, and hire employees and the right to determine the basis for the selection, retention, and promotion of employees to or for positions not within the bargaining unit; the right to discipline, suspend, demote, layoff, transfer, assign, schedule, promote, or discharge for just cause employees; the right to determine the adequacy of the work force; the right to determine the overall mission of the County as a unit of government; the right to effectively manage the work force; the right to take actions to carry out the mission of the County as a governmental unit; and the right to effect or change the management or responsibility of the County's property, facilities, equipment, processes, or work.



**1.6**

**POLICY CHANGES, DISSEMINATION, AND SUGGESTIONS**

- A. Each Appointing Authority will keep a copy of the complete Manual available for review by employees.
- B. Each employee will receive a copy of this manual and sign a receipt for it. The employee is responsible for reading and understanding the provisions of this Manual.
- C. Any question about a provision of this Manual or items not covered in the Manual such as rules, either written or unwritten, implied or expressed, should be directed to the employee's supervisor, Human Resources Manager, or County's Human Resources Director.
- D. Each Appointing Authority will encourage employees to consider and recommend changes in policy at any time. Matters not already addressed may be brought to the attention of the Appointing Authority, supervisor, Human Resources Manager, or the County's Human Resources Director so appropriate policies may be considered and formulated.
- E. Supervisors should periodically review personnel policies and propose changes if necessary approximately every two (2) years. Each Appointing Authority will review all personnel policies and propose to the County Commissioners revisions to address changes as a result of changes in law or current practice.

**FAIR EMPLOYMENT PRACTICES**

It is the policy of the Board of County Commissioners that an individual's race, color, religion, creed, sex, disability, age or national origin or ancestry are not and will not be considered in any personnel or management decisions. The County's affirmative action specifies that:

1. No employee may aid, abet, compel, coerce or conspire to discharge, harass or cause another to resign because of race, color, religion, creed, age, sex, national origin or ancestry, political affiliation or disability.
2. The County Human Resources Director serves as the Equal Employment Opportunity Officer of the County. The County's Human Resources Director can be reached at 330-740-2130. All incidents falling within the purview of this policy are to be reported to the Human Resources Manager and to the respective Appointing Authority by the supervisor to whom the incident is reported. The Human Resources Manager may investigate any and all complaints either directly received or indirectly received. All EEO charges and complaints must be immediately forwarded to the County Human Resources Director.
3. All recruiting, hiring, training and promoting for all job classifications are done without regard to race, color, religion, sex, disability, age or national origin, except when there is a bona fide occupational qualification. All decisions on employment are made to further the principle of equal employment.
4. All promotion decisions will continue to be made in accordance with equal employment opportunity principles and only valid job requirements will be used.
5. All other personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, company-sponsored training, educational tuition assistance, social and recreational programs will be administered without regard to race, color, religion, sex, age, disability or national origin, except when there is a bona fide occupational qualification.
6. Equal standards for hiring and promoting will be applied to all applicants and/or employees. Promotions will be posted for internal applicants first to promote upward mobility in the workplace.
7. The assignment of employees will be void of any and all discriminatory practices.
8. Posters of the Ohio Civil Rights Commission, Equal Employment Opportunities Commission and the Job Safety and Health Protection Fair Labor Standards Act, ADA, FMLA will be displayed conspicuously wherever employment interviewing and hiring is done.
9. All matters relating to recruiting of personnel, i.e. examination announcements, press releases, forms, publications, etc., will contain the "Equal Opportunity Employer, M/F" and the Americans with Disabilities Act/OSHA Statement.

**DISABLED EMPLOYEES**

It is the policy of Mahoning County to conform to the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. Section 794, and the administrative regulations promulgated there under. As well as 42 U.S.C. Section 12.01 et seq. the Americans with Disabilities Act.

As used herein, a "disabled individual" is defined as any person who (1) has a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) has a record of such impairment; or (3) is regarded as having such impairment. An employee, though technically disabled, may not be subject to adverse action if the employee is a "qualified disabled person". A "qualified disabled person" means a person who can, with reasonable accommodation made by the County perform the essential functions of the position. Mahoning County will make reasonable accommodations for "qualified disabled persons" unless to do so would cause or impose upon the Department involved an undue hardship on the operation of the programs that it is responsible to administer.

Mahoning County shall take positive steps to insure that its testing and interviewing procedures do not in any fashion discriminate against disabled persons. Should any employment testing or interviews be conducted, no reference therein shall be made, directly or indirectly, to any disability. During any selection process Mahoning County reserves the right to select a tentative candidate or candidates, and then to require a physical examination to determine if the tentative candidate or candidates can perform the essential functions of the position. If it is determined that the candidate or candidates cannot perform the essential functions of the position, then a determination will be made by the Department as to what accommodations can be made, whether such accommodations are reasonable and whether such accommodations would impose an undue hardship upon the Department. If there is a question as to the ability of the employee or applicant to perform the essential duties; the County will refer the person to be evaluated by an Occupational Therapist at the County's cost. The determination of the Occupational Therapist will be followed.

Any medical or other information received by the Department will remain confidential, and will only be disseminated or disclosed to the appropriate supervisor and any safety or personnel employees as may be required.

Any employee who believes that he has been discriminated against may file an oral or written complaint in order to afford the Agency the opportunity to investigate the matter. The employee should be prepared to provide specific written instances of discrimination so that an investigation can occur. Employees may file the complaint alone in the interest of confidentiality; however, the complainant may have representation in the pursuit of this complaint.

Any incidents of discrimination shall be immediately reported, in confidence, to the supervisor, County Human Resources Director, Human Resources Manager, the Assistant Director, or the Director.

All reports of discrimination will be kept in confidence as much as possible during the investigation. Every effort will be made to promptly investigate all allegations of discrimination.

All complaints will be presented to the party to whom the charge of discrimination has been made for a response to the charges. This response will also be held in confidence as much as possible.

Any employee who is determined, after an investigation, to have engaged in discrimination in violation of this policy will be subject to disciplinary action, up to and including removal.

**HARASSMENT****A. Policy Statement**

It is against the policy of Mahoning County and it is illegal under state and federal law for any employee, male or female, to sexually, discriminatorily or unlawfully harass another employee. This employer is committed to providing a workplace free from this unlawful conduct. It is a violation of this policy for an employee to engage in sexual, discriminatorily or unlawful harassment.

**B. Definitions**

*Sexual harassment* is a form of sexual discrimination and consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to that conduct is made either explicitly or implicitly a term or condition of employment; or
2. Submission or rejection of such conduct by an individual is used as the basis for employment decisions; or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

*Sexually harassing behavior*, whether committed by supervisors or non-supervisory personnel, is prohibited. This behavior includes, but is not limited to:

1. Repeated unwelcome or offensive sexual flirtations, advances, or propositions.
2. Verbal abuse of a sexual nature.
3. Graphic or degrading verbal comments about an individual or his/her appearance.
4. The display or distribution of sexually suggestive object or pictures.
5. Unwelcome or offensive verbal or written communication of sexually suggestive material including "jokes".
6. Any unwelcome or offensive physical contact.

*Discriminatory harassment* is a form of harassment that is committed in an arbitrary or discriminatory manner.

*Unlawful harassment* is a form of harassment on the basis of sex, religion, race, color, age, national origin, physical or mental disability, or any other protected status.

**C. Reporting**

Any employee who feels that they have been harassed should report the complaint to their immediate supervisor, to the County's Human Resources Director, the Human Resources Manager, the Assistant Director, or to the Director. In addition, if any employee feels that they have been harassed by a member of the public, a service provider, or a public official during the course of their employment, the employee should report the complaint to their immediate supervisor or to the County's Human Resources Director. There will be no reprisals against any employee for making a report as provided in this section.

**D. Investigation**

The County will conduct a prompt and thorough investigation of all complaints of harassment. The County will make every effort to keep the complaint confidential, except as required by law and as may be reasonably necessary to successfully complete the investigation. It will be a violation of this policy for any person who learns of the investigation or complaint to take any retaliatory action that affects the work environment of the complainant or any person involved in the

investigation. Failure by any employee to cooperation with the investigation of a complaint will be a violation of this policy.

E. Disciplinary Action

If the allegation of harassment is found to be credible, appropriate disciplinary action will be taken. Harassment on the part of a County employee will be treated as a disciplinary infraction, with penalties up to and including termination for a first offense, in accordance with the County's disciplinary policy.

F. Responsibilities

Every supervisor is responsible for promptly responding to or reporting any complaint or suspected act of harassment. Supervisors should report to their immediate supervisor, to the County's Human Resources Director, the Human Resources Manager, the Assistant Director, or the Director. Failure of a supervisor to report or adequately address such harassment will result in disciplinary action in accordance with the County's disciplinary policy.

It is the responsibility of every employee, should they observe or experience objectionable or unwelcome behavior of the type described in this policy, to report that behavior as provided in this policy. There will be no reprisals against any employee for making such a report.

**CLASSIFIED AND UNCLASSIFIED EMPLOYMENT**

- A. An employee of Mahoning County is presumed to be a classified civil servant unless that position that he/she occupies has been exempted from the classified service by lawful request of the Appointing Authority or by operation of law.
- B. After completion of the established probationary period, a classified employee may be discharged only for cause and removed according to the procedures stated in Chapter 124 of the Ohio Revised Code.
- C. An employee who is exempted from classified service serves at the pleasure of the Appointing Authority.
- D. Employees will be notified of unclassified status upon hiring.

**VIOLENCE IN THE WORKPLACE**

Mahoning County is committed to supporting the safety of the workplace. Any employee who threatens violence or engages in violence, engages in intimidating behavior, or who violates regulations regarding dangerous materials in the workplace is in serious violation of our policy. The workplace is defined as all County property, including parking lots, break rooms, and all public areas such as lobbies and restrooms.

Mahoning County believes that all employees are entitled to a non-threatening workplace where the basic safety of each employee is promoted. Therefore, any form of violence, whether actual or perceived, will not be tolerated.

This includes, but is not limited to:

- **disruptive activity in the workplace**
- **threatening, hostile, or intimidating behavior**
- **possession of a dangerous weapon**
- **violation of restraining orders**
- **fighting**
- **verbal abuse**
- **stalking**
- **sabotaging another employee's work**
- **harmful misuse of equipment or other County property**
- **any behavior which is perceived as threatening by the recipient**

Any employee who believes he/she has been subjected to threatening or intimidating behavior related to the workplace by a fellow employee, a customer, a family member, or other should report such conduct to the individual(s) specified in the complaint procedure. Complaints of intimidation or violence will be promptly and discreetly investigated. Any employee who violates this policy will be subject to serious disciplinary action, up to and including discharge.

**Management Responsibility**

Violence, or the threat of violence, whether committed by supervisory or non-supervisory personnel, is against stated County policy, and may be considered unlawful as well. In addition, management is responsible for taking action against threats or acts of violence by County personnel or others (customers, outside vendors, family members, etc.) regardless of the manner in which the County becomes aware of the conduct.

All complaints must be treated as serious violations of County policy and investigated accordingly. It is management's responsibility to show employee's that the County is serious about prohibiting and preventing violence in the workplace.

If a supervisor becomes aware of any action, behavior, or perceived threat that may violate this policy, the supervisor is responsible for immediately contacting the Director, Assistant Director, and the County Human Resources Director.

**Complaint Procedure**

1. Complaints of violence or of intimidating behavior should be brought to the Director, Assistant Director, and the County Human Resources Director.
2. After the Director, Assistant Director, and the County Human Resources Director have been notified of the complaint, or when they receive knowledge that a situation involving a possible threat of violence exists, then a thorough investigation to gather all pertinent facts will be undertaken.
3. Non-Retaliation – this policy prohibits retaliation against any employee who brings complaints of violent or intimidating behavior or who helps in investigating complaints; the employee will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

4. After the investigation has been completed, a determination will be made regarding the resolution of the complaint. If a violation of this is found, disciplinary action will be taken up to and including termination of employment.



**CONFIDENTIALITY OF RECORDS****A. Records**

Public employees are responsible for maintaining various records during their tenure of public employment. There are a significant number of federal and state laws that effect the day-to-day handling and maintaining of public records. It is the responsibility of all employees to become familiar with the laws and regulations governing their specific workplace. The following is a list of records prohibited from release (ORC Section 149.43):

1. Medical records (any document or combination of documents, except births, deaths, and the fact of admissions to or discharge from a hospital, that pertain to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment)
2. Records pertaining to probation and parole proceedings
3. Juvenile abortion permission records
4. Records pertaining to adoption proceedings
5. Information in a record contained in the Putative Father Registry (established by Sections 3107.062 and Section 5103.313 of the RC)
6. Adoption records
7. Trial preparation records
8. Confidential law enforcement investigatory records
9. Certain records related to Ohio Civil Rights Commission investigations
10. DNA records stored in the DNA database
11. Inmate records
12. Department of Youth Services records
13. Intellectual property records
14. Donor profile records
15. Records maintained by the Department of Job & Family Services pursuant to ORC Section 5101.31 (new hire and rehire reporting for child support)
16. Peace Officer residential and familial information
17. In the case of a County hospital, trade secret
18. Social security numbers

**B. Requests**

In our various County offices, there may be information that is considered to be public record. Requests for public information that may contain confidential information exempt from disclosure and not requested in the normal course of business shall be forwarded to the supervisor or department head for a response. Each employee shall be responsible for knowing and observing the internal policy. When in doubt as to what information should be released or if the request is in the normal course of business, employees are to seek the advice of their supervisor or the Prosecutor's Office before releasing any information in question. Because requests may be for paper or electronic records, this policy applies to both mediums.

**C. Sanctions**

Any employee who releases information in violation of this policy shall be disciplined at the appropriate step of the disciplinary process as detailed in Chapter 10 of the County Personnel Manual.

First level supervisors, managers, and administrators will all be held accountable for the administration of this policy.

**FIREARMS POLICY**

In the interest of protecting the safety of the employees and citizens of Mahoning County, the Board of Mahoning County Commissioners adopts the following policy:

- A. Effective April 8, 2004 as required by the Ohio Revised Code §2923.1212, the following sign (or language substantially similar) will be posted at the entrance of every county owned building and at the entrance to the portion of any non-county owned building which is leased by the county:  
  
“Pursuant to the Ohio Revised Code, no person shall knowingly possess, have under the person’s control, convey, or attempt to convey a deadly weapon or dangerous ordnance onto these premises. A valid license does not authorize the licensee to carry a concealed handgun onto these premises.”
- B. Employees and officials of Mahoning County, other than law enforcement officers specifically authorized to carry a firearm, are prohibited from carrying firearms into any county building, in any county vehicle or at any time while they are acting within the course and scope of their employment.
- C. Employees and officials of Mahoning County, other than law enforcement officers specifically authorized to carry a firearm, are prohibited from bringing a handgun onto a County owned parking lot, even if it is kept in their vehicle except for employees with a valid license to carry a concealed handgun.
- D. A county employee or official with a valid license to carry a concealed handgun may bring a handgun onto a County owned parking lot, but must leave the handgun in their own locked vehicle, either in the glove compartment (or other locked compartment), in the trunk, or locked inside a gun case, when they report for work. An employee or official with a valid license to carry a concealed handgun who is reporting for work may remove the handgun from their own vehicle parked on County property only for the purpose of transporting it to and from the trunk of that vehicle for storage.
- E. Any county employee or official who violates this policy is acting outside the course and scope of their duties. Mahoning County will not defend or indemnify such actions by any county official or employee. Any county employee found to be in violation of this policy will be subject to disciplinary action up to and including discharge.
- F. County employees who use a firearm or make comments about firearms in such a way that intimidates, harasses, coerces or threatens another will be subject to disciplinary action up to and including discharge.

**FAMILY VIOLENCE IN THE WORKPLACE POLICY****A. Purpose:**

Mahoning County is committed to promoting the health and safety of its employee. The purpose of this policy is to heighten awareness of family violence and to provide guidance for employee and management to address the occurrence of family violence and its effect in the workplace.

**B. Definition**

Mahoning County:

- Employee includes victim, batterer, or witness to family violence in the workplace
- Family violence refers to international intimidation, physical and/or sexual violence, neglect, or financial abuse perpetrated by a family member.
- Family: *persons related by blood or marriage, and/or have a child in common, are/or have been involved in a close, intimate relationship, and/or were previously or/are presently residing together.*
- Types of family violence: Child abuse, intimate partner abuse, including teen dating violence and youth violence, and elder abuse
- Family violence occurs among people of all racial, economic, educational, religious backgrounds as well as in heterosexual and same sex relationships.
- Family violence is preventable.

**C. Policy:****Intervention and Education Prevention Strategies**

It is the policy of Mahoning County to use early prevention strategies in order to avoid or minimize the occurrence and effects of family violence in the workplace. Mahoning County will provide available support and assistance to any employee who is a victim, batterer, and/or witness of family violence including:

- Confidential means for coming forward for help
- Confidentiality
- Resource and referral information
- Additional security at the workplace, if possible
- Work schedule adjustments or leave necessary to obtain medical assistance, counseling, or legal assistance
- Workplace relocation, if possible.

**1. Leave Options for the Employee who Experiences Threats of Violence**

- At times, an employee may need to be absent from work due to family violence. The length of time should be determined by the individual's situation and through collaboration with employee, supervisor, Human Resources Director, etc as determined by Mahoning County.
- Each employee, (victim, batterer/or witness) supervisors, and managers are encouraged to first explore whether paid options can be arranged which will help the employee cope with a family violence situation without having to take a formal unpaid

leave of absence. Depending on the circumstance, this may include:

---arranging flexible work hours, if possible, so that the employee can handle legal matters, court appearances, housing and childcare

---consider use of accrued time as it applies to agency Attendance Policies, especially if requests are for relatively short periods

## 2. Procedures for the Employee with Performance Issues Related to Family Violence

- While the employer retains the right to discipline the employee for cause, Mahoning County recognizes that victims of family violence may have performance or conduct problems such as chronic absenteeism or inability to concentrate as a result of the violence. When an employee subject to discipline confides that the job performance or conduct problem is caused by family violence, a referral for appropriate assistance should be offered to the employee.
- The manager, in collaboration with the employee, Employee Assistance counselor, Human Resource representative, etc should allow a reasonable amount of time for the employee to obtain assistance regarding the family violence. When victims are involved, supervisors should be mindful that the effects of family violence can be severe and may take extended periods of time to address fully. Victim rights and confidentiality shall always be respected.

## 3. Disciplinary Procedures for the Employee who Commits Acts or Threats of Family Violence

- Mahoning County is committed to providing a workplace in which the perpetration of family violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on Mahoning County premises, during working hours, or at a Mahoning County sponsored social event is a serious violation of Mahoning County policy. This policy applies not only to acts against another employee, but to acts against all other persons, including intimate partners. The employee found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.
- The employee convicted of a crime as a result of family violence may be subject to corrective or disciplinary action, up to and including discharge, when such action affects the work performance of the employee or affects the normal operations of Mahoning County.

### 1.15 Fraud Reporting Requirements

#### A. Purpose:

Ensure compliance with state requirements to provide notice to all employees of the mechanism to report fraud to the Ohio Auditor of State.

#### B. Policy:

All employees employed by the Mahoning County Board of Commissioners will be provided notice at the time of hire and at least annually for existing employees of the mechanism to report fraud to the State Auditor. The Ohio Auditor of State's Office

maintains a system that allows all Ohio citizens including public employees to report fraud, including misuse of public money by an official or office. The system allows all Ohio citizens, including public employees, the opportunity to make anonymous complaints through a toll free number, the Auditor of State's website, or through the United States mail.

**Auditor of State's fraud contact information:**

**Telephone:** 1-866-FRAUD OH (1-866-372-8364)  
**US Mail:** Ohio Auditor of State's Office  
Special Investigations Unit  
88 East Broad Street  
P.O. Box 1140  
Columbus, OH 43215

**Web:** [www.ohioauditor.gov](http://www.ohioauditor.gov)

All employees must sign acknowledgement forms, Appendix B, upon receipt of this information and those must be maintained by the Employer. These forms will be maintained by the County Human Resource Office and each Department must forward the completed forms to the HR Office.

Each work unit shall also post the reporting information, Appendix A, in a conspicuous location.

## **County Policy 1.15 Fraud Reporting Requirements**

### **APPENDIX A**

**Auditor of State's fraud contact information:**  
**Telephone: 1-866-FRAUD OH (1-866-372-8364)**  
**US Mail: Ohio Auditor of State's**  
**Office**

**Special Investigations Unit**  
**88 East Broad Street**  
**P.O. Box 1140**  
**Columbus, OH 43215**

**Web: [www.ohioauditor.gov](http://www.ohioauditor.gov)**

CHAPTER 2  
2.1

**RECRUITING PROCEDURES**

A. Recruiting

The County will engage in merit recruiting. This procedure will include:

1. Open positions and examination announcements will be written in a clear and understandable language.
2. Advertising in publications, which circulate to the various sectors of the population via the news media and Internet, as needed for entry level and special technical professional licensing needs.
3. Establishing easy to reach job information centers.
4. Notifying colleges, high schools, and community organizations.
5. Utilizing public employment service.
6. Developing contacts with minority leaders, minority and female organizations on a continuing basis.
7. Accepting applications or resumes from walk-ins.
8. Establishing files for applications.
9. Maintaining applications active on file for at least one (1) year.

B. Examination Announcements and Position Openings shall include:

1. Description of the duties, typical tasks, responsibilities and certificate requirements of the position.
2. Minimum and additional desirable qualifications.
3. Salary range and step.
4. Information concerning the issue and closing date for applications.

C. Vacancy Postings

1. When an Appointing Authority approves a new position or determines that a vacancy will be filled, the job description, qualifications, salary and application deadline will be posted on the bulletin boards in County offices for five (5) days. The Appointing Authority will maintain a file of all posting notices.
2. An application must be properly completed and submitted before an applicant will be considered for employment.
3. Positions may be advertised in major area newspapers. Professional positions may be advertised in newspapers with national circulation, professional journals, newsletters and organizations specializing in minority, disabled, and female related issues.
4. School placement services, colleges and universities with appropriate training programs and the Ohio Department of Job & Services will be contacted, when appropriate. Programs providing training for individuals with disabilities will be contacted whenever similar programs for the able are contacted.
5. All advertisements and postings will include an Equal Employment Opportunity statement.

**SELECTION**

- A. To be considered for a position or vacancy, an applicant must complete the approved employment application form. (See Appendix A FORMS). Applicants for a position that requires licensing must present the license for verification. Falsification of the application will result in discipline up to and including discharge.
- B. Applications will be reviewed and the position's immediate supervisor or a panel will interview selected candidates. Fully qualified, current County employees will be given first consideration for transfer or promotion to a vacant position. Qualifications, where developed, and structured interviews, as well as writing samples and other structured tests may be used for selection and to determine internal transfers or promotions.
- C. Reference checks, background checks and job related testing procedures will be conducted. Any job related employment tests will be administered in an objective manner. If an individual has a disability, the test will be administered in a manner that ensures the results reflect the skills, aptitude or other factors to be measured rather than the impaired skills. Only job related skills will be evaluated.

Records Check: The Records Check Procedure will be as follows:

- 1. All police or arrest record checks will be made in writing.
  - 2. When screened applications are sent to the department head, the police record requests will be sent to the Sheriff's office.
  - 3. Prior records and/or convictions will only be used in consideration for employment if they are related to the job applied for, i.e. someone with a theft conviction would not work with money.
  - 4. Copies of the records check will be maintained separate from the employee's personnel file.
  - 5. No actions will be processed until the answer on the record check is returned from the Sheriff's office.
  - 6. All reports will be kept in confidence, and will be shared with the County Commissioners in executive session before final selection is made.
- D. A minimum of three (3) documented reference checks will be conducted if possible to determine work history.
  - E. The most qualified applicant(s) will be recommended to the Appointing Authority. Employment recommendations are subject to approval of the Appointing Authority.



**SELECTION PROCESS RECORD KEEPING**

- A. An Equal Employment Opportunity form will be given to each external employment candidate along with the application form. (See Appendix A FORMS).
- B. The Equal Employment Opportunity form will be removed from the application after it is completed and kept separate from the application. These forms will be used to prepare the required, annual summary report for the County.
- C. The Equal Employment Opportunity form will be kept on file for two (2) years.
- D. Applications will be kept on file for at least one (1) year.

EMPLOYMENT ELIGIBILITY

Successful applicants are appointed subject to the following employment constraints as defined by the qualifications for the position. An offer of employment may be withdrawn if an applicant is determined to be unqualified for the position.

- A. Proof of required licensure and educational requirements
  - 1. Failure to maintain a current license may result in disciplinary action up to and including discharge.
  - 2. Payment of any license, registration or examination fee is the responsibility of the employee, unless otherwise contracted with the Appointing Authority.
- B. Satisfactory driver's record check showing possession of valid operators license or CDL.
- C. Proof of employment eligibility.
- D. Proof of liability insurance with limits of \$100,000/\$300,000/\$50,000 submitted to the County's Human Resources Director by any employee who must drive his/her private vehicle as a part of the job duties.
- E. Proof of a candidate's physical ability to perform the essential duties of the job.
- F. Submission to and negative findings of drug and alcohol screening.
- G. Employees of Mahoning County are responsible for the arranging of their own transportation to and from the job.
- H. Employees of Mahoning County are responsible for the arranging of their own parking facilities.

APPOINTMENT

## A. Probationary period-classified employees

## 1. Duration

- a. A newly appointed full-time employee will serve a probationary period of one hundred eighty (180) calendar days, except those positions which have been granted a longer probationary period by the Appointing Authority.
  - b. A newly appointed part-time employee working on a portion of each workday will serve a probationary period of one hundred eighty (180) calendar days.
  - c. A newly appointed part-time employee who works an irregular schedule of fewer than the normal number of days each week will serve a probationary period of one thousand forty (1040) hours worked.
  - d. A newly appointed probationary employee may be discharged as described in the probationary section.
2. An employee who has been promoted to a higher classification will serve a probationary period as listed above.
  3. During the second half of the probationary period, an employee serving a probationary period after a promotion may be returned to his/her former classification and rate of pay if work performance, behavior and/or work attitude is not satisfactory.
  4. A new hire that resigns during a probationary period is not eligible for re-employment.

## B. Unclassified employees serve at the pleasure of the appointing authority.

## C. Assignment

## 1. Classification Placement

- a. Jobs are grouped into classifications on the basis of similar duties and qualification requirements. Compensation is determined, in part, by the job classification.
- b. The duties and responsibilities of each job will be periodically reviewed and adjusted. When the job duties have changed significantly, the employee or his/her supervisor may request that their Appointing Authority have the position audited by the County Human Resources Department or otherwise as provided under Ohio Revised Code 124. As a result of an audit, a revised job may be moved to another classification. A job audit may not be requested for a period of one (1) year from the date of the results of the last audit, unless the job duties are substantially altered. Generally, there must be a 20% change in the essential job functions to create a reclassification.

## 2. Promotion

- a. Only an employee who has successfully completed a probationary period in his/her current position may be considered for a promotion to a higher classification.

- b. A current employee will be considered for promotion to a vacancy only when he/she is determined by the Appointing Authority to be fully qualified for the position. Fully qualified means the employee possesses the required skills, ability and experience and/or the education and training to support the appointment.

3. Transfer

- a. An employee is considered to have been transferred when he/she is given a different assignment within the same classification.
- b. An employee who has successfully completed the probationary period in his/her current position may request transfer to a vacancy within the same classification by contacting the Appointing Authority.
- c. Transfers will be made at the discretion of the Appointing Authority.
- d. An Appointing Authority can initiate a transfer if the transfer would be in the best interest of the County.
- e. The needs of the County take precedence over the wishes of an employee.

4. Voluntary Demotion

- a. When an employee with a qualifying disability becomes unable to perform the essential functions of his/her position, with or without reasonable accommodation, but can perform the essential functions of a position in a lower classification, with or without reasonable accommodation, he/she may request in writing a reduction to the lower position. This reduction will result in acceptance of the pay for the lower position.
- b. An employee may, for any reason, request a demotion to a lower position and accept the pay range for the position by signing a written request.
- c. Approval is at the discretion of the Appointing Authority.
- d. A demoted employee will have his/her salary rate reduced to a level within the salary range of the lower classification.

5. Re-employment

Any former employee of Mahoning County who returns to employment with the County is deemed re-employed.

6. Reinstatement

Within one (1) year of resignation, an employee who resigns in good standing may request reinstatement to his/her position or a similar position. To be considered for reinstatement, the employee must remain qualified to perform the duties of the position and reinstatement must be made in the best interest of the County. Reinstatement is at the discretion of the Appointing Authority, provided a vacancy exists.

7. Assignment of Relatives

The Board of County Commissioners will receive employment applications from relatives of employees. There are four (4) situations, which would prevent the hiring a relative of a current employee:

- a. If one relative would supervise or have disciplinary authority over another.
- b. If one relative would audit the work of another.
- c. If the interest of both the relative and the employee, or the relative and the County would be in conflict.
- d. If the hiring of relatives could result in a conflict of interest with clients.

An employee is not permitted to work in a position where his or her supervisor, or a supervisor's supervisor, is a relative. A relative includes a father, mother, brother, sister, husband, wife, son, daughter, grandfather, grandmother, grandson, or granddaughter or any step relatives sharing the same relationship as a blood relative.

If such a situation is created through promotion, transfer or marriage, one of the affected employees must be transferred or terminated, or an accommodation acceptable to the County must be worked out. Termination is to be a last resort. No employee who meets current standards of performance and behavior shall be terminated if a transfer is possible.

If two employees marry, they will be subject to the same situations described above, unless state law or judicial decisions dictate otherwise.

No currently married employee(s) will be transferred as a result of the adoption of this policy.

## CHAPTER 3

### 3.1

#### EMPLOYMENT STATUS

- A. Employees are classified as full-time, part-time, temporary, seasonal or intermittent.
  - 1. Full-time employees are those who are regularly scheduled to work forty (40) hours per workweek.
  - 2. Part-time employees are those who are regularly scheduled to work fewer than forty (40) hours per workweek.
  - 3. Temporary, seasonal, student interns and intermittent employees are employees who work in positions that are not considered permanent. These categories of employees are used to fill a short-term need without incurring a permanent employment obligation. Temporary employment may not exceed a continuous period of six (6) months.
- B. Probationary employees are full-time or part-time employees who have not completed the established probationary period.
- C. Full-time or part-time employees who have successfully completed a probationary period are considered in regular employment status.
- D. Seniority with Mahoning County is defined as the uninterrupted length of continuous service with the County. An authorized leave of absence does not constitute a break in service and seniority time continues to accumulate during the term of the leave, provided the employee complies with the rules and regulations governing the leave of absence, and the employee is reinstated from the leave. Continuous service is broken by any of the following events:
  - 1. Discharge for cause;
  - 2. Resignation;
  - 3. Failure to return to work at the end of an approved leave of absence;
  - 4. Failure to apply for reinstatement after discharge from active duty in the military service within the time provided by Federal or state law; or
  - 5. Absences from duty without leave for three (3) consecutive days.

EMPLOYMENT RECORDS

## A. Employment Eligibility Records

## 1. Immigration/Citizenship Status

- a. The County will not discriminate on the basis of a person's national origin or citizenship status in recruitment, hiring or termination. However, the County will not knowingly employ any person who is or becomes an unauthorized alien.
- b. Employees hired after November 6, 1986 must provide suitable documentation and complete INS Form I-9 to verify identity and employment eligibility.
- c. A successful applicant refusing to provide documentation or providing false documentation will not be hired, or will be subject to discharge for cause.

## 2. Driving Record Check

Annual Driver Abstract Reports will be requested by each department for each County employee who must operate a motor vehicle, County owned or personal, as a regular function of the job. It is understood that regular drivers shall have a valid Motor Vehicles Operators License.

- a. A current employee who drives as a regular function of the job shall be annually screened for an acceptable driving record. If the information provided by the Driver Abstract Report places the employee in the "Unacceptable Driver" category as defined below, the Appointing Authority will review the employee's driving record and determine if the employee can continue in his/her current position without driving. If driving is an essential function of the job, the employee may be transferred or terminated at the discretion of the Appointing Authority.

During employment, if the Driver Abstract places the employee in the Unacceptable Driver Category, the employee will not be permitted to drive a County owned vehicle. In addition, the employee will be subject to discipline up to and including termination.

Unacceptable Driver is defined as one who, during the previous three (3) year period, has received a conviction for one (1) of the following:

- Reckless driving or drag racing;
- Driving while under the influence of alcohol or drugs;
- Vehicular homicide;
- Leaving the scene of an accident, if the accident resulted in personal injury or death; or
- Willfully eluding or fleeing a police officer in response to a traffic violation.

## b. Review of the Driver Abstract

An annual request will be sent per Section (a) above to the Ohio Bureau of Motor Vehicles to obtain the Driver Abstract. (The request must be submitted in writing to the Ohio Bureau of Motor

Vehicles and must include the employee's social security number and the required processing fee.) This request should be submitted by March of every year.

The Driver Abstract will be reviewed against the established criteria for operation of a motor vehicle on County business. The result of this review will be submitted to the Appointing Authority and to the Human Resources Department for review for insurance purposes. Violations prior to employment with the County and appearing on the Driver Abstract shall not be considered in reviewing an employee's driving history during the annual review of driver information.

B. Personnel Files

1. Each Appointing Authority will maintain official employee personnel files. Such files will include, but are not limited to, individual employment data; work time schedules; application forms; and records pertaining to the selection, promotion, demotion, transfer, layoff, termination.

The Auditor's office will maintain appointment letters and personnel action forms I-9, W-4, and federal and state withholding information, PERS and payroll information.

2. Personnel records, except for certain information that is public record according to Ohio Revised Code Section 149.43.
3. Nothing herein shall prevent the dissemination of impersonal statistical information.
4. An employee may arrange with the Human Resources Manager of the agency to inspect his/her personnel file.
5. Each employee is required to advise his/her Appointing Authority of any change in name, address, telephone number, citizenship, selective service classification or association with any government military service organization.

Each employee is required to maintain the following current information on file with the Auditor's Office: name, address, marital status, and the number of exemptions claimed for tax purposes.

Each employee is required to advise the Benefits Coordinator of any change in the status of dependents covered by a family health insurance policy.

Failure to follow this Section will result in a Group 1 offense.

6. All requests for information or reference checks of present or former employees will be referred to the Human Resources Manager in the department. No County employee other than the Human Resources Manager, Director, or the County's Human Resources Director is authorized to release any information regarding current or former employees.

C. Medical Records Maintenance

1. Employee medical records must be maintained in separate medical files.



2. Medical records are confidential and may be released only in the following circumstances.
  - a. Supervisors and managers may be informed of restrictions and accommodations that are a part of an agreed upon plan of reasonable accommodation.
  - b. First aid and safety personnel may be informed if an employee may require emergency treatment.
  - c. Government officials investigating compliance with the law may be provided with relevant information upon request.
  - d. Upon receipt of a proper legal authorization signed by the employee.
  - e. Medical records may not be released for any other reason.

3.3

MEDICAL EXAMINATION

- A. The County may require a post-offer physical examination. If a post-offer physical examination is required, it must be required of all candidates for the position.
- B. The County may require a current employee to submit to examination conducted by a licensed physician or psychologist, to determine if the employee can perform the essential functions of the job.
- C. The County will pay cost of the examination.

HOURS OF WORK

- A. Regular Hours  
Regular workdays shall be Monday through Friday beginning at 8:00 am and ending at 4:30 pm or as required by the Appointing Authority.
- B. Record Keeping  
The Fair Labor Standards Act requires each non-exempt employee to keep an accurate, daily record of his/her hours worked. Non-exempt or exempt status will be listed on the position description.
- C. Lunch Breaks
1. Employees may take a documented ½ hour unpaid lunch break.
  2. An employee may not work through an unpaid lunch break in exchange for arriving at work late or leaving early unless expressly authorized by the supervisor.
  3. Employees are to be relieved of all duties and are not to stay in their work area during any unpaid meal period.
  4. There is no grace period for lunch periods. Employees returning late from lunch will be docked and disciplined according. Lateness shall be subject to tardiness disciplinary procedures.
  5. It is the responsibility of all managers to insure that all units are staffed and supervised at all times.
  6. Managers schedule lunch periods. Employees should leave as close to their scheduled times as possible.
- D. On Call-Duties
1. When designated by the Appointing Authority, an employee may be assigned to on-call status for specified periods. When in on-call status, an employee may be furnished an activated beeper/pager.
  2. On-call employees are free to engage in personal activities, but must remain available for performing on-call duties as necessary, without delay. An employee who is on-call is required to respond to a call-out. Failure to respond is grounds for disciplinary action.
  3. On-call employees will be compensated for all time actually worked, including travel time, when called to duty. Such time is considered "time worked" for purposes of calculating overtime.
- E. Docking
1. When it is necessary to dock an employee's pay for being late, he/she will be docked as follows:
- | <u>Minutes late</u> | <u>Time Deducted</u> |
|---------------------|----------------------|
| 0.00 - 0.15         | 1/4 hour             |
| 0.16 - 0.30         | 1/2 hour             |
| 0.31 - 0.45         | 3/4 hour             |
| 0.46 - 0.60         | 1 hour               |
- E. Work Rest Period
1. There shall be two (2) fifteen-minute rest periods during every workday.
  2. The immediate supervisor will inform employees of their unit of the scheduled rest periods and has the authority to vary the break times.
  3. There are no rest periods prior to 10:00 a.m.
  4. Since rest periods are compensated time the inability of the employee to take a rest period during the day because of a project, client needs or emergency status where no coverage is available shall not be a break of this policy.

5. Work rest periods will be taken away from the work units.
6. Rest periods that are not taken do not roll up into any other time or cannot be carried over from one day to the next.

DISABILITY ACCOMMODATION

- A. A disability is defined as a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such impairment or the state of being regarded as having such impairment. The severity of the impairment must substantially limit a major life activity such as walking, talking, seeing, hearing, breathing, learning or working in order to be considered a disability.
- B. Appointing Authorities will not discriminate against an employee or applicant who has a qualifying disability. The employee or applicant will be treated in the same manner as other employees. If the condition affects the employee's ability to perform the essential functions of the job, the employer will make reasonable accommodation so the employee can perform the essential functions of the job.
- C. An employee with a qualifying disability may work as long as he/she is physically and mentally able to perform the essential functions of the job without undue risk to himself/herself, other employees of the public. If an employee is incapable of performing the essential functions of the job, with or without accommodation, he/she may be, in the following sequential order:
  - 1. Transferred to a vacant position where he/she can perform the essential functions of the job with or without reasonable accommodation;
  - 2. Placed in a position in a lower classification where he/she can perform the essential functions of the job with or without reasonable accommodation; or
  - 3. Granted a disability separation.
- D. An employee with a disability is not required to inform the employer of the condition. However, should an employee require accommodation to perform the essential functions of the job, he/she should discuss any necessary accommodation with the supervisor or the Appointing Authority. Employee assistance policies will be explained.
- E. An employee who requires accommodations must provide the Appointing Authority with any medical records required and the suggested accommodation to make decisions regarding job assignment and accommodation. Medical records are confidential, kept separate from the employee's personnel file and are not available for public inspection.
- F. The Appointing Authority may require a doctor or occupational therapist's certification of an employee's ability to safely, perform the essential functions of the job.
- G. When there is a bargaining unit employee involved in this process, the business agent of the union will be a party to any agreed to accommodation. At no time will the employee's medical condition be shared with the business agent by management.

EXPOSURE TO CONTAGIOUS DISEASE

- A. Employees are required to report any exposure to a contagious disease, which might pose a direct threat to health and safety in the workplace.
- B. The employer may remove or reassign an infected or contagious employee or co-worker if a secondary infection would pose a higher than usual risk to himself/herself or others.
- C. Employees who are at risk of exposure to blood-borne or contagious diseases will follow a system of "universal precautions" to limit the spread of infection in the workplace. Supervisors will instruct employees about any special precautions necessary in individual work areas.
- D. An employee concerned about being infected with a contagious disease while in the workplace should convey this concern to his/her supervisor. Any employee who refuses to work with or perform services for a person known or suspected to have a contagious disease is subject to discipline, up to and including discharge.
- E. Information relating to a contagious disease in the work place will be disclosed to employees when the information is necessary to protect the health or safety of employees or others. The necessity of disclosure will be the determination of the County.
- F. Universal precautions shall include the use of latex barriers and other barriers when appropriate.

## CHAPTER 4

### 4.1

#### TIME SHEETS

- A. Employee time sheets showing hours worked as well as paid and unpaid leave will be filled out daily as required by the Appointing Authority by each employee. Front-end time capture must be completed by 2:00 pm on the Tuesday following the end of the pay period. On the Thursday following the end of the pay period, departments shall print the payroll pre-list, which is then signed by the Appointing Authority and returned to the Auditor's Office by noon on Friday. It is the responsibility of each Appointing Authority to verify the accuracy of each employee's hours worked and paid and unpaid leave before signing the pre-list and submitting it to the Auditor for payroll preparation. The signature of the Appointing Authority signifies authorization to issue the employee his/her paycheck for the hours submitted. Personnel Action Requests (PARs) for the upcoming front-end time capture are due by 4:30 pm on the Wednesday before the start of the front-end time capture.
- B. If time sheets are not properly submitted, compensation for those hours will not be paid until the hours are verified and the appropriate documentation is submitted to the County Auditor.
- C. Pay records must include:
  - 1. Employee name, home address, job assignment, sex and birth date;
  - 2. Hour and day when workweek begins;
  - 3. Total hours worked on each workday and in each workweek;
  - 4. Total daily or weekly straight-time earnings;
  - 5. Regular hourly pay rate for any week when overtime is worked;
  - 6. Total overtime pay for the workweek;
  - 7. Deductions from or additions to wages;
  - 8. Total wages paid each pay period.
  - 9. Date of payment and pay period covered.

PAYDAY

- A. The workweek begins at 12:01 am on Sunday and ends at midnight on Saturday. The pay period covers two (2) weeks and begins and ends on the second Saturday of the bi-weekly pay period. Employees are paid every other Friday for the period ending two weeks prior to the payday. If a holiday falls on a payday, the paychecks will be issued the preceding Thursday, except when there are extenuating circumstances when paychecks will be issued on the following Monday.
- B. Questions about paychecks should be directed to the Human Resources Manager or responsible person in your department. The Human Resources Manager is responsible for making the necessary explanations or inquires to resolve the matter.
- C. Pay advances are not permitted.
- D. A written authorization signed by the employee must be given to the Appointing Authority before issuance of a paycheck to any person other than the employee. Such statement must explicitly authorize a specific person to pick up the employee's paycheck. The authorized person must be able to produce identification at the time he/she arrives to pick up the paycheck.



PAYROLL DEDUCTIONS

Certain deductions are made from an employee's paycheck as required by law in accordance with employee benefit plans or as requested by the employee. These deductions are itemized on the pay statement that accompanies the bi-weekly paycheck. Deductions include:

A. Retirement

1. Public Employees Retirement Systems (PERS)

State law requires that all employees contribute to the Public Employees Retirement System (PERS) unless they are participating in another public retirement system. Generally, the County contributes 13.55% of the employee's gross pay to the PERS fund. The stated percentage may change at the direction of the PERS Board of Directors. The County also pays the employee's contribution of 8.5% of gross pay for a total benefit of 22.05% deposited toward retirement for certain departments. An explanation of retirement benefits is available from your Human Resources Manager or Human Resources Department.

2. Some collective bargaining agreements have different provisions pertaining to this benefit. Please consult your agreement.

B. Income Taxes

Federal, state, municipal and school taxes will be withheld as required by law. An employee must complete a withholding tax form W-4 at the time of initial employment, and keep the Appointing Authority informed of any change in dependents. The Appointing Authority, in turn, is required to report the changes to the Auditor's Office.

C. Medicare Tax

All employees hired on or after April 1, 1986 will have Medicare taxes in the amount of 1.45% of the employee's gross earnings deducted from his/her pay. An employee who was employed before April 1, 1986, quits, and is then rehired on or after April 1, 1986, will have Medicare taxes deducted.

D. Voluntary Deductions

An employee may authorize payroll deductions for items approved by the County Auditor. The County Auditor may refuse to make deductions that are not required by law, are below certain set minimum amounts or that occur at irregular intervals.

E. Garnishments

Court ordered garnishments including child support payments will be withheld.

F. Union Dues

Employees who are members of a union recognized as an exclusive bargaining agent, may authorize dues to be deducted in accordance with the terms of the applicable labor agreement.

TEMPORARY JOB ASSIGNMENTS

On occasion, it may be necessary to temporarily assign an employee to a different job classification in order to provide required services. When an employee is assigned to a different job classification for ten (10) consecutive days or more, the employee will be compensated as follows:

- A. If the employee's regular rate of pay is higher than the range for the temporary assignment, the employee will be paid his/her regular rate of pay.
- B. If the employee's regular rate of pay is lower than the range for the temporary assignment, the employee will be paid at the minimum rate of the pay grade of the temporary assignment.

OVERTIME COMPENSATION

## A. Non-Exempt Employees

Non-exempt employees are those employees who hold positions that are not administrative, professional or executive as defined by the Fair Labor Standards Act.

1. In general, County employees will not work more than forty (40) hours in a single workweek. Flexible scheduling will be used to cover County services within regularly scheduled hours. When overtime work cannot be avoided, employees will be compensated as provided in the Fair Labor Standards Act and Ohio Revised Code.
2. If overtime is required, the prior authorization of the Appointing Authority is required. Failure to get authorization for overtime may result in disciplinary action.
3. For overtime calculation, time on active status but not actually worked (sick leave, vacation leave, comp. time, and personal leave) is not considered time worked.
4. Scheduled overtime, which is subsequently canceled and not worked, will not entitle the employee to any overtime compensation. Only overtime actually worked is compensable.
5. Overtime compensation may be taken in the form of pay or compensatory time as outlined below:
  - a. Compensatory time will be calculated at the same rate as overtime pay. The following regulations apply to those choosing compensatory time:
    1. An employee must tell the supervisor at the time overtime is worked whether he/she wishes compensation in the form of wages or compensatory time. Failure to request compensatory time will result in overtime compensation in the form of wages.
    2. The limit on the accumulation of compensatory time is 240 hours for non-safety forces and 480 hours for safety forces. Hours earned in excess of these limits, and not used within one hundred and eighty days (180), will be paid.
    3. The use of compensatory time must be scheduled for a time mutually convenient to the employee and the employer.
    4. Compensatory time shall be granted on a time and one half basis.
    5. The Appointing Authority may limit compensatory time to exempt personnel at his/her discretion.
  - b. Overtime compensation will be calculated as follows:
    1. Hours worked between the regularly scheduled full-time hours and forty (40) hours in a workweek will be compensated on an hour to hour basis.
    2. Time worked over forty (40) hours in a workweek will be paid at one and one-half (1-1/2) times the employee's regular rate of pay, or 1-1/2 hours for each hour worked.
  - c. Overtime compensation shall be based upon the employee's regular rate of pay.

7. When attendance at meetings, conferences and training sessions is required by the Appointing Authority, time in transit and time actually spent in meeting sessions will be considered time worked for calculating overtime. Meal breaks will be counted as time worked only when the meal is an integral part of a required meeting. Travel or meeting time is not considered time worked if attendance at the meeting or class is not required.
8. Employees regularly scheduled less than forty (40) hours per week, and part-time employees will not receive overtime compensation for hours worked more than their regularly scheduled hours until the total hours worked in a work week exceed forty (40) hours.

B. Exempt Employees

Executive, administrative, and professional employees are exempt from overtime compensation. Exempt employees may be granted compensatory time on time and one half basis with the approval of the Appointing Authority. As in any other overtime situation, the time must be approved in advance. The Director or their designee shall keep time in the department. Time will be reported to the Auditor as part of GAAP reporting each year.

TRAVEL POLICY

## A. Introduction

Section 325.20 of the Ohio Revised Code requires that the Board of Commissioners' approval be granted for officials and employees to attend any association meeting, convention, or training session at County expense. Officials or county employees, who are required to travel on county business, will be reimbursed for expenses incurred in accordance with provisions of this policy. Employees who travel on behalf of Mahoning County are expected to use good judgment and to make related expenditures in a prudent manner. Every effort should be made to take advantage of early registration and advanced purchase discounts. The method and class of travel selected shall be that which is in the best interest of the County. To facilitate the accuracy and consistency in administering the travel process, each Department head is encouraged to designate an employee as the primary contact for travel arrangements and reimbursements.

Expenses are to be submitted within one (1) month of the last date of travel for each trip out of the County.

## B. Travel Expenses

These are expenses incurred by an elected official or county employee traveling on county business and may require overnight lodging while attending any association meeting, convention, or training sessions.

Examples of travel expenses are registration fees, airfare, hotel lodging, meals, mileage, taxis, car rentals, parking, etc.

## C. Authorization

All expenses for "travel", as defined above, must be submitted to the Board of County Commissioners for approval prior to the actual travel. All requests must be in writing and a probable cost broken down by category. All travel shall be encumbered in accordance with the County's Purchase Order and/or Standard Voucher policy. A blanket request may be submitted for approval to attend multiple scheduled association in-state meetings and trainings throughout each calendar year. This approval by the Board of County Commissioners is required, in addition to proper authorization required by an individual appointing authority and/or department head. The Board of Commissioners reserves the right to authorize additional employee reimbursement due to inclement weather or other emergency.

## D. Travel Allowances

Travel by air, bus, or by other common carrier will be commensurate with normal travel rates. Air travel should be coach fare or the economy rate, and not first class. As an alternative to common carriers (air, bus), private vehicles may be used. Mileage allowances will only be paid to one (1) employee if two (2) or more employees are traveling in the same vehicle on the same trip. Mileage should be reported in a timely manner.

Frequent flyer credits earned by County employees for travel on County business cannot be used for personal travel. These credits must be applied towards future County travel or must be forfeited.

If the employee makes a pre-payment for a reservation, is reimbursed by the County and subsequently does not follow through with the reservation, the employee will immediately pay the County back in full. The employee shall be personally liable for any charges assessed due to his/her failure to cancel reservations within the time limit specified by carriers, unless the failure is due to circumstances beyond the employee's control.

E. Lodging and Meals

Lodging expenses are reimbursable. Employees are expected to use good judgment in obtaining room rates, which reflect the proper use of public funds. When at all possible, employees should include a tax exemption form when paying for a hotel so as to save the County the cost of state sales tax.

No reimbursement will be made for lodging if the meeting or conference is within the county wherein the employee's office/headquarters is located; or within the employee's county of residence; or unless the meeting or conference is greater than one-hundred and fifty (150) miles from the locations listed previously and the meeting or conference is scheduled to start prior to 10:00 a.m.

The total meal allowable under normal conditions is fifty dollars (\$50.00) per day. Travel to larger cities (e.g. Columbus, Chicago, Washington DC, etc.) may require a higher per diem for meals. Before traveling, the employee may wish to review the Maximum Federal Per Diem Rates Schedule published by the IRS for the city to be visited. The Appointing Authority or the Authorized Designee (a copy of the Authorized Designee must be on file with the Auditor) must approve a higher per diem for meals.

If partial days are included in time away, meals will be reimbursed as follows:

- a. Breakfast 25% of the applicable daily reimbursement rate;
- b. Lunch 25% of the applicable daily reimbursement rate; and
- c. Dinner 50% of the applicable daily reimbursement rate.

If the employee does not remain away overnight, he/she will be reimbursed for meals according to the percentage listed above; however, the employee must be away at least four (4) hours for any meal costs to be reimbursed.

If an employee attends a conference, workshop, or seminar where a meal is being served as a part of the cost of attending the event, and he/she chooses to forgo the pre-paid meal and eat elsewhere, the employee will be responsible personally for all costs incurred including the cost of the substituted meal, related travel expense and gratuities. The daily rate of reimbursement is proportionally reduced by the related meal(s) included in the conference rate.

F. Mileage

Mileage reimbursement will be at the prevailing Internal Service's Standard Mileage Rate for all personal vehicles. Such payment is considered to be a total reimbursement for all vehicle related expenses (e.g., gas, oil, depreciation, etc.).

No prior authorization is necessary for mileage in the normal pursuit of business or for meetings.

G. Registration

Registration fees for seminars, conventions, etc. are reimbursable and may be submitted for prepayment prior to travel. In such circumstances, the Appointing Authority and/or Administrative Head bears the responsibility for ensuring that if the employee does not attend, they will apply for a refund and/or credit.

H. Dinner Meetings

Expenses incurred by employees when attending or holding luncheon or dinner meetings necessary to the performance of their official duties are reimbursable, provided that prior approval has been received. These meetings do not fall

under the aforementioned per diem, and should be requested for payment with a statement as to the general purpose of said meeting.

I. License, Insurance, and Vehicle Requirements

Employees who are authorized or required to operate a County-owned vehicle, or a privately owned vehicle on authorized County business, must have a valid driver's license or, if required by the employer, a valid Ohio Commercial driver's license. Employees must provide proof of such driving privileges upon request of the immediate supervisor or department head. Any employee who has such license or driving privileges suspended, revoked, or altered in any manner must immediately notify his/her Department head in writing, stating the nature, length, and alteration.

Employees who are authorized or required to operate a privately owned vehicle on authorized County business must ensure that such vehicle is properly insured and provide proof of such insurance upon request of the immediate supervisor or department head. The employee or owner of the vehicle must have insurance in compliance with Section 4509 (Uninsured Motorist Act) of the Ohio Revised Code. Any changes in insurance status (e.g. lapse, revocation, alteration, change of carrier, etc.) must be reported in writing by the employee to the Department head or designee prior to any reimbursable travel.

J. Traveling with Non-Employees

When an employee travels on County business pursuant to the provisions above, a non-employee(s) may accompany the employee. The non-employee must pay all expenses of the non-employee(s) for food, transportation, etc. When lodging expenses are necessary, the non-employee must pay any additional lodging costs above the single occupancy rate.

Employees of other political subdivisions may ride together in a County vehicle to a meeting on issues impacting County government.

K. Extension

When an employee travels under the provisions of this policy, the employee may extend such travel at the beginning and/or ending of County business, provided such extension does not result in additional expense to the County.

L. Reimbursements

Requests for reimbursement of travel expenses shall be documented and accompanied by appropriate Journal Entry and receipts for the travel expenses claimed.

Reimbursements shall not be made without the signature of the approving official and submission of evidentiary material acceptable to the approving official.

M. Form Processing

The following forms are to be used for reimbursement of expenses:

1. Travel Request
2. Employee Travel Reimbursement

These forms are to be submitted to the Accounts Payable Department for priority reimbursement in conjunction with the Auditor's Department.

N. Receipts

1. Airfare

2. Public Transportation (bus, taxi, etc.)
3. Car rentals (reimbursement for rental cars is permissible when public transportation is not available and transportation between facilities is not provided by the conference. Reimbursement shall be at no higher than the compact rate, unless the number of travelers warrants a larger vehicle.)
4. Hotel rooms (including telephone charges)
5. Parking over one dollar (\$1.00)
6. Conference registration
7. Training
8. Banquets
9. Meals
10. Dinner meetings
11. Tolls
12. Other/miscellaneous

Expenses Not Reimbursable

1. Dry cleaning/laundry services
  2. Cosmetic needs
  3. Car repairs
  4. Alcoholic beverages
  5. Personal telephone calls (one personal call per day is permitted, not to exceed 5 minutes in duration)
  6. Expenses by or for persons who are not County employees
  7. Gratuities/tips (other than as required gratuity for seminar lunches, etc.) in excess of 15% of the bill
  8. Entertainment
  9. In-room movies
  10. Honor bars
  11. Health Club fees
- O. Collective Bargaining Contracts  
Please check the travel provisions of the contract applicable to the employees of your department.
- P. Violation of the Provisions  
Violation of the provisions of this policy may subject the employee to disciplinary action, which may include termination of employment.

Revised: July 2, 2014



**CHAPTER 5**  
**INSURANCE****A. Health Insurance**

1. Employees regularly scheduled and working thirty (30) or more hours during a workweek are eligible for health and life insurance under the policies chosen by the Mahoning County Board of Commissioners for County employees.
2. New employees are eligible to enroll in the insurance program the first of the month following completion of thirty (30) days of employment. Current employees who are not enrolled may elect participation during open enrollment periods or at any point during the year provided there is a qualifying event allowing the election of coverage.
3. An employee who is eligible for hospitalization coverage may not be simultaneously covered through an employee spouse's insurance program through the County. Selection for the covered employee will be by the birthday rule.
4. All County employees participating in the health care plan are required to contribute 10% of the insurance premium based on the plan they elect. This contribution will be deducted bi-monthly.
5. An employee may elect to "opt out" of the County's health care plan. The employee is eligible to receive \$100.00 per month, minus taxes, to be paid bi-weekly. Proof of other insurance must be submitted to the Benefits Department.
6. Details of coverage are outlined in the health-care plan booklet.
7. Part-time, temporary, intermittent, and seasonal employees are not eligible for health-care coverage
8. Employees are responsible for notifying the Mahoning County Benefits Coordinator of any change in status including marital status, dependent status or residence. Failure to do so may result in the employee being personally liable for any unnecessary costs incurred by the County.

**B. Life Insurance**

The County provides a fully paid ten thousand dollar (\$10,000.00), term life insurance policy pursuant to the terms and conditions set forth in the summary of benefits (copy attached) on each full-time employee except for those set forth differently in an applicable labor agreement. However, pursuant to the terms of the policy, benefits will be reduced to 65% of the original amount at age 65 and further reduced to 50% of the original amount at age 70 and further reduced to 30% at age 75.

PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

- A. PERS enrollment is mandatory for all employees.
- B. An employee's contribution is held in his/her own account. The employer's contribution is held in the general fund of PERS. When an employee leaves public employment, he/she may request a refund of his/her own contribution. Funds contributed by employers are not refundable. An employee may choose to leave his/her contribution in the fund and receive retirement benefits upon qualification.
- C. An employee may name a beneficiary for his/her account, if no one is named as beneficiary, the law requires the spouse to be the beneficiary; or, if there is no spouse, the children; or if there is neither spouse nor children, parents; or if no spouse, children or parents, then the estate.
- D. Employees having any questions regarding this program, should contact the County Auditor's office or the County Personnel Department or call or write to:

Public Employees Retirement System  
277 East Town Street  
Columbus, Ohio 43215  
Phone: (614) 466-2085  
(800) 222-7377  
[www.opers.org](http://www.opers.org)

WORKERS' COMPENSATION

State law provides that every County employee is eligible for Workers' Compensation for injuries arising out of or in the course of his/her employment.

1. Should an employee be involved in an incident and/or injury during the course of employment with the County, he/she is to notify their supervisor and Appointing Authority on the day of the injury. The employee must complete an incident form. If the employee is unable to complete an injury form his/her supervisor is to complete it. This report must be completed, regardless of the apparent seriousness of the injury, and regardless of whether or not medical attention is required. Such report must be forwarded to the Appointing Authority or designee within forty-eight (48) hours of the incident. The form is then forwarded to the County's Risk Manager for processing. Employee shall provide notice within 24 hours or by the next scheduled work shift unless the following:
  - a. The employee will be on a previously approved leave then the requirement is 24 hours; or
  - b. The next scheduled work is more than 24 hours from date of injury, the requirement is 24 hours.
2. In the event of serious injury, the injured employee's supervisor is to notify the Appointing Authority immediately so that an investigation may be initiated.
3. The employee is responsible for providing the Appointing Authority with his/her expected date of return in writing as soon as it is known, and keeping the employer apprised of his/her condition.
4. An employee who is injured in the line of duty and must leave work before completing the workday will be paid at his/her regular rate for the balance of time left in the scheduled workday. Injured employees are required to comply with all treatment plans of the attending physicians and cooperate fully in returning to work as soon as possible. Failure to cooperate may result in disciplinary action or discharge.
5. An injured employee may elect to use accrued sick leave and vacation leave prior to receiving payments from Workers' Compensation. Employees are prohibited, however, from receiving payment for sick leave while simultaneously receiving payment from Workers' Compensation.
6. Certification of all claims will be handled through the Risk Management Department.

INJURED ON DUTY LEAVE

- A. Policy Statement  
It is the policy of the Board of Mahoning County Commissioners to provide employee with Injured On-Duty Leave when injured in the course and scope of employment.
- B. When an employee is injured in the course and scope of employment and is off more than seven (7) days as a result of the injury, the employee shall be eligible for Injured On-Duty Leave. The employee shall be paid for all days immediately following the date of injury until ninety (90) calendar days after the injury. There shall be no loss of benefits provided by the County or any applicable labor agreement during the leave.
- C. To be eligible, the employee, when injured must:  
Submit a signed incident report detailing the nature of the injury, the date of occurrence, the identity of all witnesses and persons involved, the facts surrounding the injury, and any other information supporting the granting of Injured On-Duty Leave;
  - 1. File for Worker's Compensation benefits with the Ohio Bureau of Worker's Compensation;
  - 2. Furnish the County with a signed medical authorization for the claimed injury for the release of medical records;
  - 3. Complete and sign a Request for Injured on Duty Leave form;
  - 4. Suffer lost time from employment for a period exceeding seven (7) consecutive days; and,
  - 5. Submit medical certification from the employee's physician of record specifying the extent of the injury, the recommended treatment, the employee's inability to return to work as a result of the injury, and an estimated date of return.
- D. The County reserves the right to review the employee's status every thirty (30) calendar days and require the employee to have an independent medical examination by a physician selected and paid for by the County at any time during the leave.
- E. Leave will be paid at the employee's current hourly rate at the time of injury for a period not to exceed ninety (90) calendar days.
- F. If, for any reason, the employee's Workers' Compensation claim is denied or disallowed, said leave shall cease and the employee will be required to reimburse the County for any amounts paid through this section. The rate and method for reimbursement will be determined by the department head on a case-by-case basis.
- G. If the employee is not released by their physician at the end of the Injured On-Duty Leave, the employee will be placed on FMLA leave for a period not to exceed twelve (12) weeks.
- H. If the employee is unable to return to work or unwilling to return to work, the County, in conjunction with the Appointing Authority, will begin proceedings for Involuntary Disability Separation or Voluntary Disability Separation pursuant to County policy and Ohio Administrative Code.
- I. If at any time subsequent to the occupational injury the employee is released to return to work with restrictions, the employee must petition to Return to Work with Modified Duty through the County's Risk Manager. The Risk Manager will work with the employee, the union representative (if applicable), the rehabilitation vendor, the Department Head (or designee), and the Bureau of Workers' Compensation to establish the assignment. In no case will modified duty exceed

thirty (30) days. Any case that needs to extend beyond 30 days, for up to two (2) additional weeks, will be reviewed by the Risk Manager and a decision in concert with the Department Head will be final. The period will be transitional in that it will provide evidence of the employee's ability to perform job functions that have been established under the review of the employee's physician of record. In using this program, it is the expectation that at the end of the 30 days, the employee will be able to return to work without restrictions. Employees refusing to participate in the Bureau of Workers' Compensation Vocational Rehabilitation Program may be deemed ineligible to participate in this program.

TRANSITIONAL WORK PROGRAM

## A. Scope

This program will be used to direct the work of all injured employees.

## B. Policy

1. Any time that an employee presents the employer with a medical return to work notice that indicates the employee can return to work under restricted function, commonly known as light duty, the return to work notice will be immediately referred to the Mahoning County Risk Manager.
2. The County Risk Manager will correspond with the medical provider issuing the notice to determine the employee's limits as far as the essential functions of the transitional work that may be assigned to the employee.
3. The Department head or designee, along with the Risk Manager, will determine if the employee is eligible for assignment to the Transitional Work Program.
4. The Department head or designee will assign the employee requesting and approved for transitional work to an assignment for a period not to exceed ninety (90) calendar days. The assignment of the employee will not cause the displacement of any other employee from any bid position. The transitional work assignments will fall outside of the bidding processes in the C.B.A. and will be discretionary assignments by the Department Head. The transitional work assignments will not be permanent jobs and will not be construed as new jobs created for vacancy bidding.
5. At the end of ninety (90) calendar days, the County Risk Manager, the Department head, and if applicable, the employee's medical provider, will make a decision as to the employee's availability to return to his/her regular assignment. It will be the expectation of the County and the Department Head that most employees will make the transition into their regular assignment within the ninety (90) calendar days.
6. If an employee is unable to make transition back to regular assignments within the ninety (90) calendar day limit, the Department Head will consult with the Risk Manager, Human Resources Director and the Administrative Staff, to place the employee on sick leave, unpaid leave, FMLA, or initiate disability separation proceedings.
7. Employees suffering a work related injury may not refuse to participate in the Bureau of Workers' Compensation Vocational Rehabilitation Program and be eligible for the Transitional Work Program.

VACATION

- A. All full-time employees and part-time employees receive vacation benefits as shown on the chart below. Vacation is prorated for part-time employees in proportion to the regularly scheduled hours of work. Vacation accrues only during regularly scheduled work hours, and not on overtime hours.

<i>Years of Service</i>	<i>Vacation Days</i>	<i>Hours Accrued per 80 Hours Worked</i>
Less than 1 year	None	none
1 year to 8 years*	10 workdays	3.1
8 years to 15 years*	15 workdays	4.6
15 years to 25 years*	20 workdays	6.2
25 years* +	25 workdays	7.7

*\*On the 8th, 15th, and 25th anniversary of employment, an employee is credited with one (1) additional week of vacation. Vacation begins to accrue at the higher rate after the 8th, 15th, and 25th anniversary dates.*

- B. For the purpose of determining length of service for part-time employees, credit will be given on the basis of pay periods worked, not on the basis of full-time equivalent service. For the purpose of determining length of service for intermittent employees, credit will be given on the basis of actual hours worked.
- C. All prior service with any political subdivision of the State shall be used to determine years of service for vacation accrued, pursuant to Section 9.44 ORC and any amendments thereto.
- D. After one (1) full year of service with Mahoning County, an employee will be credited with vacation earned during the first year of employment. New employees with no prior service are eligible for paid vacation only after one (1) full year of employment. If a new employee with no prior service credit terminates employment before serving one (1) full year of employment, he/she will receive no vacation pay out.
- E. Employees will be encouraged to schedule a minimum of one forty (40) hour block of time during each calendar year. At least forty (40) hours vacation leave must be scheduled and taken by each employee every year. This time may be scheduled at any time but must be taken within the one (1) year period after the individual employee's anniversary date. At no time will vacation accrued be allowed beyond one-year's accrual without formal written approval of the Appointing Authority. Vacation requests of less than one (1) week duration must be received at least twenty-four (24) hours in advance. In cases of emergencies, reasonable notice is required and supervisors will be expected to approve vacation leave in less than one (1) day increments. The employees must take vacation leave within thirty-six (36) months of the date of accrual. No additional vacation credits will accrue to an employee who has three (3) years of unused vacation credit. Accrual will resume once the employee begins to use the accrued vacation. In special and meritorious cases with written approval from the Appointing Authority obtained prior to accrual beyond the three (3) year limit, an employee may accrue additional vacation credit. Under no circumstances will an employee be eligible to accumulate more than three (3) years accrual of vacation credit plus the current year's accrual. The County Auditor must be notified immediately of any employee qualifying for this exception.
- F. Vacation leave requests must be submitted in writing to the employee's immediate supervisor for approval.
- G. When two or more employees request the same vacation date and all requests cannot be granted, the request will be approved/denied at the discretion of the

Department Director or Appointing Authority. Leaves requested less than one (1) month in advance will be granted in the order received. Once an employee has received approval for vacation leave, a more senior employee may not displace him.

- H. Vacation leave may be denied during a specific period, if the workload dictates.
- I. While on vacation, if an employee is disabled due to illness or experiences a death in the family that would qualify for paid sick leave, he/she may request time off charged to sick leave by showing documented proof of eligibility.
- J. All seasonal, intermittent, and temporary employees appointed for 120 days or less will not receive vacation accrual. If an employee is retained after the 120 days and the employee has one (1) full year of service, they will receive the accrual back to the date of hire.
- K. A vacation day will not be granted on call-in, except in extenuating circumstances that will be determined by the supervisor. In all such instances, the vacation day must have been accrued.



HOLIDAYS

- A. All full-time employees receive the following paid holidays:

New Year's Day	Columbus Day
Martin Luther King, Jr. Day	Veteran's Day
President's Day	Memorial Day
Thanksgiving Day	Independence Day
Labor Day	Christmas Day

Collective bargaining agreements may differ from this list. Please consult the applicable collective bargaining agreement.

- B. If a full-time employee is required to work on a holiday, he/she will be paid at one and one-half (1-1/2) times his/her regular rate of pay for every hour worked, in addition to his/her regular holiday pay.
- C. If a holiday falls on Sunday, it is observed on the following Monday. If a holiday falls on a Saturday, it is observed on the preceding Friday. Twenty-four (24) hour operation employees observe the holiday on the day it falls only.
- D. Only employees who work their regularly scheduled day before and after the holiday will receive holiday pay. An employee who is not on active pay status their regularly scheduled day before a holiday or their regularly scheduled day after a holiday will not receive holiday pay. Pay will be issued if a doctor's excuse is presented within the pay period the holiday falls in.
- E. Seasonal and intermittent employees are not eligible for holiday pay. Part-time (less than 37 hours per week) and temporary employees are entitled to holiday pay for their normal hours scheduled for that day.
- F. Some collective bargaining agreements have different holidays, please review the agreement associated with your department.

SICK LEAVE

- A. Generally employees accrue sick leave at four and six-tenths (4.6) hours for each eighty (80) hours of completed service. Sick leave is earned only when an employee is on active pay status, (i.e. for only those days for which the employee is actually paid). The amount of sick leave an employee may accrue is unlimited.
- B. An employee who transfers from another public agency to Mahoning County, or who is re-appointed or reinstated, is credited with the unused balance of his/her accumulated sick leave provided the time between separation and reappointment does not exceed ten (10) years. "Public agency," as used above, includes the State, counties, municipalities, boards of education, public libraries, for public levy and townships within the State of Ohio. Documentation of employee transfers must be submitted to the County Auditor's office.
- C. Sick leave must be requested on the approved sick leave form as soon as the employee returns to work. When an employee will be on extended sick leave, he/she should notify the supervisor of his/her probable return date.
- D. An employee who is absent three (3) or more days consecutively shall be required to present a physician's statement to verify the illness. An employee who is on extended sick leave under a physician's care may be required to submit a weekly statement from the physician stating the status of the illness/injury. Upon return to work, the employee must furnish a statement from the physician certifying his/her ability to perform the job duties.
- E. Appointing Authority has the right and responsibility to investigate all reasons for an employee's absence.
- F. If an illness or disability continues beyond the time covered by earned sick leave, an employee may use earned vacation leave and compensatory time, or may request an unpaid Leave of Absence.
- G. An employee fraudulently obtaining sick leave or falsifying sick leave records is subject to disciplinary action up to and including termination.
- H. Sick leave may be used for:
  - 1. Illness or injury of the employee or illness or injury of a member of the employee's immediate family, where the presence of the employee is reasonably necessary;
  - 2. Exposure of employee to a contagious disease that would have the potential of jeopardizing the health of the employee or the health of others;
  - 3. Death of a member of the employee's family, the leave not to exceed five (5) workdays as determined by the Appointing Authority based upon the circumstances. Leave may be taken only during the time immediately following death and any applicable bereavement leave.
  - 4. Medical, dental, optical, or psychological examinations or treatment of the employee or a member of the employee's immediate family, where the presence of the employee is necessary, and the appointment cannot be scheduled during non-work time;
  - 5. Pregnancy related condition of the employee or a member of the employee's immediate family; or,
  - 6. Care of employee's wife or family during the post-natal period, the leave not to exceed five (5) workdays.
- I. "Immediate family" is defined as mother, father, brother, sister, child, spouse, grandparent, grandchild, mother-in-law, father-in-law, sister-in-law, brother-in-law,

daughter-in-law, son-in-law, legal guardian or other person who stands in the place of a parent.

- J. Sick leave is charged in minimum units as established by the Appointing Authority.
- K. An employee absent on sick leave is paid at his/her regular hourly or bi-weekly rate.
- L. An employee who retires from service with the County, or dies, after completion of ten (10) or more years of service with the state or any political subdivision of the state is entitled to convert a portion of his/her accrued but unused sick leave into a cash payment at the time of retirement. For purposes of this policy, the conversion is at 25% of the total accumulation not to exceed a payout of 240 hours or 30 days.
- M. The Appointing Authority reserves the right to review the credentials of any medical or psychological provider.
- N. Any employee is expected to report for any fitness for duty exam either medical or psychological. No sick leave will be charged for this purpose.
- O. A Supervisor who has any questions as to the validity of the use of sick leave shall investigate the issues and prepare a report for the Appointing Authority. Failure to investigate questions surrounding the use of sick leave will result in discipline for the Supervisor.
- P. Employees failing to comply with sick leave rules and regulations shall not be paid.
- Q. Sick leave/late arrival notification policy:
  - 1. The supervisor will be solely responsible for uniform enforcement of this policy and for determining when absence is excessive or indicates a pattern. The supervisor will be responsible for approving or rejecting payment of sick leave.
  - 2. An investigation by the supervisor may be conducted when five (5) separate occasions are exceeded annually.
  - 3. The supervisor will be solely responsible - after consultation with the County Personnel Office - for initiation of disciplinary action.
  - 4. The supervisor will be subject to disciplinary action for failure to enforce the policy fairly and uniformly.
  - 5. In order to receive pay for a sick leave day, the employee must call their supervisor during the first hour after their normal workday begins. Twenty-four (24) hour shift employees must call in at least two (2) hours before the start of their shift in order to provide the supervisor time to find a replacement.

BEREAVEMENT LEAVE

Each full-time and part-time employee shall be granted three days of bereavement leave with pay upon the death of a member of the employee's immediate family. Employees shall be paid compensation equal to the base rate of pay. Part-time employees shall be granted leave based upon the number of hours they would have normally worked.

Immediate family includes spouse, parents, children, grandparents, siblings, grandchildren, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparents, stepchildren, stepsiblings, a legal guardian, or other person who stands in the place of a parent.

5.10

JURY DUTY/COURT LEAVE

- A. An employee will receive full pay when subpoenaed for court or jury duty by the United States, the State of Ohio or a political subdivision.
- B. Any compensation received from the court must be paid to the County unless all duty is performed outside regular work hours.
- C. An employee who must appear in court on his/her own behalf may use personal days, vacation or may request an unpaid Leave of Absence.
- D. An employee released from jury duty before the end of his/her scheduled workday must report to work for the remaining hours.

MILITARY LEAVE POLICY

Ohio National Guard, Defense Corps, Naval Militia and all U.S. Armed Forces reserve component members are authorized up to thirty-one (31) days paid leave or a maximum of one hundred seventy-six (176) hours per calendar year for training purposes. The employee must submit a copy of the Active Duty for Training Orders with the request for leave and complete the required leave papers. This Section applies to full time permanent employees.

A. Eligibility and Rights

Permanent public employees who are members of the Ohio organized militia or members of other reserve components of the armed forces of the United States are entitled to a leave of absence with pay for the time they are performing services in the uniformed services for a period of up to one (1) month (22 eight (8) hour work days or 176 hours) for each calendar year in which they are performing service in the uniformed service.

In addition to the previous entitlement, employees who are called or ordered to the uniform services for longer than one (1) month will be entitled, for the period of leave in excess of 1 month, to the lesser of:

1. Five Hundred Dollars (\$500.00); or,
2. The difference between their gross monthly wage as a permanent public employee and the sum of the employee's gross uniformed pay and allowances received that month.

If the employee's gross uniformed pay and allowances received that month is greater than the employee's gross monthly wage as a permanent employee, the employee shall not receive any payment.

The permanent public employee must present the published order authorizing the call or order to the uniformed services or a written statement from the appropriate military commander authorizing the service as soon as practicable.

B. Healthcare Continuation

The employee, spouse, or dependent of the employee shall have the right to continuation or reactivation of health care coverage for the duration of the leave of absence.

If the employee, spouse, or dependent of the employee requests continuation or reactivation of the coverage, the employee, spouse, or dependent of the employee, as well as the County, will be liable for payment of the same costs for the coverage as if the employee was not on a leave of absence.

MEDICAL LEAVES OF ABSENCE

## A. Eligibility

In general, employees who have at least one (1) year of continuous service and who have accumulated at least 1,250 hours of service during the twelve (12) month period immediately preceding the date of the request are eligible for medical leave for serious health conditions.

## B. Leave

1. Amount: Eligible employees may take 12 weeks of medical leave per 12 month period measured backward from the date the leave is taken and continuous with each additional leave day taken.
2. Request: Employees should request medical leave as far in advance as possible of the requested commencement of such leave, preferably at least 30 days in advance.
3. Additional leave: In general, unpaid leaves of absence for medical reasons (including pregnancy) for a period of up to twelve months may be requested by employees. This period represents the twelve weeks mandated by the Family and Medical Leave Act of 1993 plus additional time afforded as a benefit to our employees. However, the County reserves the right to deny an unpaid leave of absence in excess of the twelve weeks mandated by the Family and Medical Leave Act of 1993 and disability separate an employee pursuant to the provisions in the Ohio Administrative Code Chapter 123:1-33-01 et seq. and any amendments thereto.

## C. Medical Certification

1. Initial request: All medical leave requests must be accompanied by appropriate medical certification from treating health care providers indicating: (1) the conditions necessitating the requested leave; (2) the date the conditions began; (3) the probable duration of the conditions; (4) diagnosis of the conditions; (5) a brief statement of required treatment; (6) a statement, if appropriate, that the employee is unable to perform the functions of his/her position; and (7) the projected date of the employee's return to work. The employee may also be required to provide the County access to medical records and/or to obtain the opinion of a second health care provider designated or approved by the County.

An employee who fails to provide required medical documentation in connection with medical leave in a timely manner will be denied leave until required certification is provided, or, in emergency situations involving serious health conditions, will be denied continuation of leave.

2. Recertification: If a leave request is granted, the employee is required to provide the County with additional physician statements of health, indicating: (1) current medical status; (2) probable duration of the conditions; (3) if appropriate, continued inability to perform job functions; and (4) projected date of return to work, at least once every thirty (30) days throughout the period of leave unless the minimum duration of the period of incapacity specified on the certification initially furnished by the physician is more than thirty (30) days, or the leave will be taken on an intermittent or reduced schedule basis, in which case the first certification will not be required until the minimum duration or period specified on the original certification has passed. Recertification must be presented within fifteen (15) calendar days after such is due. Additional physician statements will be required to be produced immediately by an employee for extension of leave, when circumstances described in the original certification have changed

significantly, and when the County doubts the continuing validity of the certification. Failure to provide any requested medical certification to support leave will lead to appropriate discipline, up to and including possible termination

D. Substitution of paid leave

For an employee requesting medical leave, the County will require substitution of earned paid leave for all or part of the medical leave except that forty hours of sick/vacation may be retained for the employee's return to work. The County will notify an employee at the outset of the leave if it will require use of accrued paid leave for requested medical leave. Absent the necessity of verifying the need for medical leave, medical certification is not required if you will be using accrued paid leave for which doctors' statements are normally not required for your requested leave (i.e. vacation), unless the leave period will extend beyond the period for which you will be using your accrued paid leave.

E. Intermittent Leave/Reduced Schedule Leave

A leave-eligible employee is entitled to leave for personal serious health conditions on an "intermittent" basis or on a reduced schedule. However, the County may require an employee requesting intermittent or reduced schedule leave to transfer temporarily to an available alternative position of equal pay and benefits which better accommodates recurring periods of leave. Besides the other information required stated above, medical certification to support a request for leave to be taken intermittently or on a scheduled basis must also include certification indicating (1) the medical need for leave on the basis requested, and (2) the expected duration and schedule of intermittent or reduced scheduled leave.

F. Key Employee

Certain highly compensated salaried employees ("key employees") may be denied reinstatement from medical leave if such would cause substantial and grievous economic injury to the operations of the County. At or about the time of request for leave, an employee shall be notified by the County if he/she is deemed a "key employee" and thus subject to possible denial of reinstatement. A "key employee" will receive notice if the County determines that he/she will not be reinstated upon completion of the leave.

G. Benefit Continuation

During medical leave, an employee will continue to be provided with health insurance coverage at the County's expense on the same terms and conditions as active employees, provided that the employee makes any required insurance contributions on a timely basis. These contributions for continued coverage are due the first of every month. In the event that an employee's contribution payment is more than thirty (30) days late, the County may discontinue health insurance coverage and/or other benefits for which employee contributions are required for the leave period. The County will notify an employee in writing that it did not receive premium payments and will wait fifteen (15) days before canceling coverage.

If an employee returns from medical leave, the County will deduct and/or withhold from his/her next regular paycheck an amount, if any, equivalent to the required employee contributions to health insurance coverage for the leave period which was paid by the County but which should have been paid on a timely basis by the employee during the leave period. The County will also deduct and/or withhold from such paycheck an amount equivalent to required employee contributions or premiums for continuation of any benefits (i.e., life insurance, disability insurance, etc.) during the leave period which were paid by the County.



H. Return to Work

1. If an employee, who is on leave because of a serious medical condition, returns to work on or before the expiration of the twelve (12) week FMLA entitlement per year, he/she shall be returned to either the same position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. Where the leave is not because of a serious medical condition or is beyond FMLA entitlement, the County endeavors to place employees returning from leave in their former position or in an equivalent position upon return.
2. If an employee fails to return from medical leave within the appropriate period, the County will require repayment of County-paid health insurance premiums paid for during the unpaid leave period, unless the failure to return is due to continuation, reoccurrence or onset of a serious health condition or because of circumstances beyond the employee's control. In all instances, the County will require repayment of any employee contributions and/or premiums for health insurance coverage and for any other benefits which were paid by the County for such period and which should have been paid by the employee.
3. Before being permitted to return to work from medical leave, an employee is required to present to the County a medical certificate from his/her treating physician indicating any restrictions on his/her ability to perform the essential functions of the job to which he/she is returning. The County may also require a physical examination at his expense if necessary to determine fitness for duty.

I. Miscellaneous

1. Any employee absent from the workplace on medical leave shall remain on the rolls of the County's employees for a period of up to twelve (12) weeks from the date of the commencement of such leave. After twelve (12) weeks, such employee shall cease to be employed by the County's Office and will be afforded the opportunity to continue health insurance coverage at the employee's sole expense, consistent with any benefit continuation rights he or she may have under applicable state law and/or the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA"). However, in appropriate circumstances, the County reserves the right to disability separate an employee pursuant to the provisions in the Ohio Administrative Code Chapter 123:1-33-01 et seq. and any amendments thereto.
2. Medical leave for serious health conditions will be counted against an employee's entitlement, if any, twelve (12) work weeks per year of leave under the Family and Medical Leave Act of 1993.

An employee on a medical leave of absence is prohibited from working during the period of leave permitted under this policy. Violation of this provision of the policy will result in termination from employment.

FAMILY LEAVES OF ABSENCE

## A. Eligibility

1. Employees who have been employed by Mahoning County or any agency of Mahoning County for at least twelve (12) months and who have accumulated at least 1,250 hours of service during the twelve month period prior to the requested leave date are entitled to twelve (12) work weeks of unpaid leave for the following:
  - a. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter; or
  - b. Because of the placement of a son or daughter with the employee for adoption or foster care; or
  - c. In order to care for the spouse, or a son, daughter or parent of the employee if such spouse, son, daughter or parent has a serious health condition.
2. Leave may be taken to care for a newborn or for placement of a child only within twelve (12) months of the birth or placement. Additionally, an employee with a serious health condition that makes him/her unable to perform the functions of his/her job is entitled to leave under the County's medical leave policy.

## B. Leave

1. Amount: An eligible employee shall be entitled to a total of twelve (12) work weeks of combined family and medical leave for his/her own serious health conditions during any twelve (12) month period. Twelve month period is measured backward from the date the leave is taken and continuous with each additional leave day taken,
2. Request: Employees should request leave as far in advance of the requested date of commencement of leave as possible, preferably, at least thirty (30) days in advance.

## C. Medical Certification

1. Initial request: If family leave is requested to care for the serious health condition of a spouse, son, daughter, or parent, such request must be accompanied by appropriate medical certification from treating health care providers indicating: (1) the conditions necessitating the requested leave; (2) the date the conditions began; (3) the probable duration of the conditions; (4) diagnosis of the conditions; (5) a brief statement of the required treatment; (6) a statement that the patient requires assistance for basic needs and/or that the employee's presence would be beneficial for the care of the family member; and (7) an estimate of the amount of time that the employee will be needed to care for the family member. The County may require that an employee obtain the opinion of a second health care provider as to the necessary care for a family member.
2. An employee who fails to provide required medical documentation in a timely manner in connection with leave to care for a seriously ill family member will be denied leave until required certification is provided or, in emergency situations, will be denied continuation of leave
3. Recertification: If family leave is granted to care for a serious ill family member, the employee is required to provide the County with additional physician statements of health, indicating: (1) current medical status; (2) probable duration of the conditions; and (3) an updated statement that the patient requires assistance of the employee at least once every thirty (30) days or more frequently if requested throughout the period of leave unless the minimum duration of the

period of incapacity specified on the certification initially furnished by the physician is more than thirty (30) days, or the leave will be taken on an intermittent or reduced schedule basis, in which cases the first recertification will not be required until the minimum duration or period specified on the original certification has passed. Recertification must be presented within fifteen (15) calendar days after such is due. Additional physician statements will be required to be produced immediately by an employee for extension of leave, when circumstances described in the original certification have changed significantly, and when the County doubts the continuing validity of the certification. Failure to provide any requested medical certification to support leave will lead to appropriate discipline up to and including possible termination.

D. Substitution of Paid Leave

For an employee requesting family leave, the County will require substitution of earned paid leave (i.e., vacation) for all or part of family leave except that forty hours of sick/vacation may be retained for the employee's return to work. The County will notify an employee at the outset of the leave it shall require the use of accrued paid leave for requested family leave. Absent the necessity of verifying need for leave due to a family member's serious health condition, medical certification is not required if you will be using accrued paid leave for which doctors' statements are normally not required for your requested leave (i.e., vacation), unless the leave period will extend beyond the period for which you will be using your accrued paid leave.

E. Intermittent Leave/Reduced Schedule Leave

A leave-eligible employee is entitled to leave to care for a spouse, son, daughter, or parent having a serious health condition on an interim basis or on a reduced leave schedule. However, the County may require an employee requesting intermittent or reduced schedule leave to transfer temporarily to an available alternative position of equivalent pay and benefits which better accommodates recurring periods of leave. Besides the other information required as stated above, medical certification to support a leave to be taken intermittently or on a reduced schedule basis must also include certification indicating: (1) the medical need for leave on the basis requested; (2) that such leave is necessary to care for or assist the family member; and (3) the expected duration and schedule of intermittent or reduced schedule leave.

F. Key Employee

Certain highly compensated salaried employees ("key employees") may be denied reinstatement from family leave if such would cause substantial and grievous economic injury to the operations of the Mahoning County. At or about the time of request for leave, an employee shall be notified by the County if he/she is deemed a "key employee" and thus subject to possible denial of reinstatement. A "key employee" will receive notice if the County determines that he/she will not be reinstated upon completion of the leave period.

G. Benefit Continuation

During family leave, an employee will continue to be provided with health insurance coverage at the County's expense on the same terms and conditions as active employees, provided that the employee makes any required insurance contributions on a timely basis. These contributions for continued coverage are due on the first of every month. In the event that an employee's contribution payment is more than thirty (30) days late, the County may discontinue health insurance coverage and/or any other benefits for which employee contributions are required. The County will notify an employee in

writing that it did not receive premium payments and will wait fifteen (15) days before canceling coverage.

H. Return to Work

1. When an employee returns to work from family leave, he/she will be returned to either the same position or to a position similar in status, benefits and pay. Upon return, the County will deduct and/or withhold from an employee's next regular paycheck an amount, if any, equivalent to the required employee contributions to health insurance coverage for the leave period which was paid by the County but which should have been paid on a timely basis by the employee during the leave period. The County will also deduct and/or withhold from such paycheck an amount equivalent to required employee contributions or premiums for continuation of any other benefits (i.e., life insurance, disability insurance, etc.) paid by the County during the leave period.
2. If an employee fails to return from family leave, the County will require repayment of County-paid health insurance premiums paid for the unpaid leave period, unless the failure to return is due to continuation, reoccurrence or onset of a family member's serious health condition or because of circumstances beyond the employee's control. In all instances, the County will require repayment of any employee contributions and/or premiums for health insurance coverage and for any other benefits which were paid by the County for such period and which should have been paid by the employee.

I. Miscellaneous

1. Any employee absent from the workplace on family leave shall remain on the rolls of the County through the authorized period of leave. After authorized leave has expired, unless "personal leave" has been afforded, an employee shall cease to be employed by Mahoning County and will be afforded the opportunity to continue health insurance coverage at the employee's sole expense, consistent with any benefit continuation rights provided by applicable state law and/or by the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA").
2. An employee on a family leave of absence is prohibited from working during the period of leave permitted under this policy. Violation of this provision of the policy will result in termination from employment.

All family leave taken will be counted against an employee's entitlement, if any, of twelve (12) work weeks per year of leave under the Family and Medical Leave Act of 1993.

LEAVE OF ABSENCE WITHOUT PAY

Nothing in this rule shall be construed as limiting, superseding, or requiring any leave granted under The Family and Medical Leave Act of 1993 (FMLA). Given proper notice and under appropriate circumstances, a leave of absence for a FMLA qualifying purpose may be credited against an employee's FMLA leave entitlement.

- A. An appointing authority may grant a leave of absence without pay to an employee in the classified service. An employee must request, in writing, all leaves of absence without pay. The request shall state reasons for taking leave of absence without pay and the dates for which such leave is being requested.
1. Length of leave: Upon written request a leave of absence without pay may be granted for any personal reason. Renewal or extension beyond the maximum allowed shall not be granted except as provided in the rule.
  2. Leaves of absence without pay for personal reasons may be granted for a maximum duration of six months.
  3. Abuse of leave: If it is found that a leave is not actually being used for the purpose for which it was granted, the appointing authority may cancel the leave and direct the employee to report for work by giving written notice via certified mail to the employee and the Central Personnel Department.
  4. Failure to return: An employee who fails to return to duty within three working days of the completion or a valid cancellation of leave of absence without pay without explanation to the appointing authority or his representative, may be removed from the service in accordance with section 124.34 of the revised Code. An employee who fails to return to service from a leave of absence without pay and is subsequently removed or voluntarily resigns from the service is deemed to have a termination date corresponding to the starting date of the leave of absence without pay.
  5. Return to service: Upon completion of a leave absence without pay, the employee shall be returned to the same or similar position within the employee's former classification. If the employee's former classification no longer exists the employee shall, with approval of the director, be assigned to a position in a classification similar to that formerly occupied. The employee may be returned to active pay status prior to the originally scheduled expiration of the leave if both the employee and the appointing authority agree such earlier return to.
  6. Service Credit: Authorized leaves of absence without pay will count as service credit for annual step increases, layoff purposes, and for computing the amount of vacation leave, provided the employee is properly returned to service and is not serving a probationary period. Employees that do not return to service from a leave of absence without pay shall not receive service credit for the time spent of such leave for leave accrual. This paragraph does not apply to PERS service credit.
  7. Personnel Reporting leaves: The appointing authority shall report to the director any leave of absence without pay which extends for one pay period or longer, and the subsequent return from such a leave. Any leave of absence without pay shall be reported for an employee serving a probationary period.
  8. Probationary period of an employee on a leave of absence without pay. The period during which an employee is on a leave of absence without pay shall not be counted towards an employee's original or promotional probationary period.
- B. Leave of absence without pay may be granted to an unclassified employee in the same manner as it is granted to a classified employee.

- C. Disabling illness, injury or condition. Subject to the provisions contained in Chapter 123:1-33 of the Administrative Code, upon written request to the appropriate appointing authority, employees with a disabling illness, injury or condition who are not eligible to receive disability benefits may be granted a leave of absence without pay, subject to the provisions of this rule. The employee must demonstrate that the probable length of disability will not exceed six months.
1. Length of leave.  
Leaves of absence without pay shall be limited to the period of time that the employee is unable to perform the essential job duties of the employee's position. This period may include reasonable rehabilitation and recovery time, as certified by a licensed practitioner, not to exceed six months. If the employee is unable to return to active work status within six months, the employee shall be given a disability separation in accordance with Chapter 123:1-33 of the Administrative Code and Chapter 5-disability separation of this manual.
  2. Licensed practitioner's certificate.  
An employee requesting a leave of absence without pay due to a disabling illness, injury or condition must present, at the time the request is made, a licensed practitioner's certificate stating the probable period for which the employee will be unable to perform the essential job duties of the employee's positions.
  3. Sick leave usage.  
Upon request, and in accordance with the rules of the County on sick leave and disability leave benefits, shall be permitted to use any or all of the employee's accumulated sick leave credit only for the period of time, as certified by the licensed practitioner's certificate, that the employee is unable to work as a result of a disabling illness, injury or condition. An employee using sick leave credit shall not be prevented from receiving a leave of absence without pay for the remainder of the period as defined in paragraph C(1) of this rule.
  4. Vacation leave usage.  
Subject to the provisions contained in Chapter 123:1-33 of the Administrative Code, upon request, be permitted to use any or all of the employee's accumulated vacation leave at any reasonable time prior to, during, or following the period as defined in paragraph C (1) of this rule.
  5. Request for leave.  
Requests for leave of absence without pay, sick leave, personal leave or vacation leave made pursuant to this rule are subject to the internal management procedures of the employee's appointing authority.
- D. Return to work  
The appointing authority of an employee on leave of absence without pay for a disabling illness, injury or condition shall require the employee, prior to the employee's return to work, to provide a physician's certificate that confirms the employee is able to perform the essential job duties of the employee's position.

EMPLOYEE ASSISTANCE PROGRAM – POLICY STATEMENT

Mental health, substance abuse, financial, family and legal issues can often cause problems for our employees in their day to day lives. Mahoning County believes if not addressed, these problems will manifest themselves in the employee's job performance. In an effort to assist the employees of Mahoning County to function more efficiently, effectively and safely, an employee assistance program has been established to aid in the early intervention and resolution of these problems. Mahoning County appointing authorities may contract with providers of the Employee Assistance Program (EAP) to provide assessment, short-term counseling and referral services to our employees. This service is offered as a benefit to the employees of Mahoning County and their families.

The policy for the use of this program:

1. All full-time employees and their family members at all levels of the agency may utilize the EAP services. Family members include spouses, children, stepchildren, parents and domestic partners, residing in the home. Family members may access the EAP services, independent of the employee.
2. Individuals may seek help for a variety of problems, including but no limited to: health, marital, family, financial, alcohol, drug, legal, emotional, stress or other personal concerns. These issues will be addressed through the review of personal data, short-term counseling and, when appropriate, referral to an outside resources.
3. EAP services are available in accordance with the providers' established office hours and by evening appointments to be scheduled.
4. Individuals may access the EAP services in one of three ways:
  - a. Self-referrals: initiated by the employee or family member, are voluntary and confidential.
  - b. Informal referrals: Initiated by the employee or supervisor at the onset of negative job performance issues. Follow-up information regarding the employee's compliance to the EAP's recommendations is not released.
  - c. Formal referrals: occur when significant job performance deterioration has occurred. The supervisor/manager initiates the referral and will only be notified if the employee keep the appointment and have the employee's compliance or non-compliance with the EAP's recommendations, providing written consent is received from the employee.
5. Mahoning County provides the assessment and short-term counseling (one to four sessions) as a benefit. Subsequent services may be covered by health benefits as explained in the employee benefits booklet. Services deemed non-eligible as identified by the insurance carrier would be based on the employee's ability to pay.
6. All records and discussions of personal problems will be handled in a confidential manner.
7. Records will be kept by the EAP or designated counseling resource and will not become a part of the employee's personnel file.
8. EAP policies and procedures complement but do not alter Mahoning County Agency's policies and disciplinary procedures.
9. The goal of the EAP is to reduce problems in the workforce and to retain valued employees; therefore utilizations of the EAP will not jeopardize an individual's job status.
10. The Human Resources Manager in your agency has been designated as the EAP contact person. He/she will serve as liaison between the EAP provider and Mahoning County.

11. Utilization of the EAP during normal hours of agency operation will necessitate the use of either an employee's sick time, vacation, personal time, or leave without pay. In cases of voluntary utilization, no reference of the EAP need appear on the Request for Leave form.



EMPLOYEE ASSISTANCE PROGRAM – PROCEDURES

It is recognized that a variety of personal problems can affect an individual employee. Among the most widespread personal problems that can impair an employee's everyday functioning are drug and alcohol abuse, emotional illness, family and marital problems, legal, and financial problems. In addition, it is recognized that personal problems if left unresolved may become chronic in nature, causing major impairment not only in the employee's personal life, but also major deterioration in the employee's performance at work.

In order to insure that any employee having a personal problem, which is causing any impairment at work or at home, will receive careful consideration and an offer of confidential, professional assistance, employees are provided the Employee Assistance Program (EAP), a cooperative effort between labor and management.

The program insures that any employee having a personal problem will receive consideration and professional assistance similar to that presently extended to employees having other health problems. Procedures are designed to facilitate supervisory, union, and self-referrals to the Employee Assistance Program.

**The confidential nature of referrals will be carefully preserved.**

The decision to request or accept assistance through the Employee Assistance Program is the personal choice of the individual. Employee or family members seeking assistance will be able to do so with complete anonymity. If employees or family members, (i.e. employees and their dependents as claimed for medical insurance purposes) have personal problems that can benefit from assistance, they are encouraged to use the EAP.

Supervisors at all levels of management and union representatives are responsible for offering the Employee Assistance Program when there is an indication of a personal problem. If an employee is referred and refuses, such refusal will be documented. Supervisors and union representatives will not attempt to diagnose the problem but will evaluate the employee's performance on the job and make a referral to the EAP based solely on the employee's job performance.

Participation in the Employee Assistance Program in no way relieves the employee of the responsibility to meet acceptable work performance and attendance standards.

This program in no way supersedes the agency's right to discipline, invoke disciplinary actions and suspend or discharge employees for misconduct, nor does this policy supersede the union's right to uphold the due process rights of its' union members.

Eligible employees undergoing treatment pursuant to this policy will receive Sick Leave and benefits and salary continuation benefits when applicable. Proper medical certification is required in accordance with the guidelines governing the application of these benefits. Expenses incurred for diagnosis and treatment will be reimbursed in accordance with the same benefits and insurance coverage that are provided under the employee benefit package. However, the Employee Assistance Program coordinator will refer the employee to services in the community that are free or on a sliding fee scale based on the individual's income.

Printed material explaining referral procedures and services will be provided to employees.

## CHAPTER 6

### 6.1

#### PERFORMANCE APPRAISALS

The performance appraisal (evaluation) is a written evaluation of the employee's job performance. It includes the supervisor's numerical rating, comments, and recommendations. It may also include a statement of performance goals for the next evaluation period.

The performance appraisal is intended to be a system of communication between the supervisor and employee. While the performance appraisal provides for a systematic, periodic evaluation of the work of each employee, it is not intended to replace less formal ongoing discussions between the supervisor and the employee concerning the employee's job performance. Information derived from the performance appraisals may be considered when making decisions affecting an employee including promotions, transfers or continued employment.

The immediate supervisor rates each employee. If an employee has been reassigned to a new supervisor within six months of the rating date, the present and previous supervisor will cooperate in the performance appraisal process. If an employee receives approximately equal supervision from two persons, the supervisors will cooperate in completing the performance appraisal and both will sign the performance appraisal as raters.

The department head, as the reviewer, will then be given the appraisal for review, comment, and signature. The supervisor will then meet with the employee for the purpose of reviewing the performance appraisal.

After discussing the performance appraisal with the employee, the supervisor will obtain the employee's signature on the appraisal form. The employee will be given an opportunity to make written comments regarding the evaluation prior to signing the appraisal form if the comments are made prior to a deadline established by the supervisor. A copy of the appraisal will be provided to the employee by the supervisor.

The performance appraisal shall then be submitted to the County Personnel Department by the supervisor for the Director's signature. If the Director makes any written comments on the appraisal form the employee will then be provided with a second copy.

There are three (3) different types of performance appraisals:

1. Probationary – To be completed upon completion of the employee's probationary period.
2. Special – To be completed by the supervisor as recognition of outstanding performance or to convey to the employee improvement in previously unacceptable performance.
3. Annual – To be completed on all Agency employees annually and as follows: If an employee is absent from work for an extended period of time; and, due to the absence, the supervisor is unable to review the form with the employee, the form will be completed and held for the employee to review upon the employee's return to work. Performance appraisals are retained as a permanent part of the employee's personnel file.

## CHAPTER 7

### Section 7.1

#### MEETINGS AND CONFERENCES

- A. The County encourages the professional growth of all employees through continuing education and training.
- B. Paid leave may be granted to an employee for bona fide educational conferences, professional organization meetings and training seminars.
- C. The County will pay the cost of registration for all meetings, training and conferences when the employee's attendance is required.
- D. Employees in certain positions are required as a condition of continuing employment to take course work and training as defined by the licensing authority.
- E. An employee may request unpaid leave to attend educational meetings that are not required by the County. Leave may be granted at the discretion of the Appointing Authority.
- F. Meeting/training travel expenses will be reimbursed as described in Section 4.7 REIMBURSEMENT OF EXPENSES.

## Section 7.2

### APPROVAL OF ATTENDANCE

- A. Professional development activity participation must have the prior approval of the Appointing Authority.
- B. Determination Procedure  
In reviewing requests for class work/training/attendance, the following items will be considered:
  - 1. Nature and purpose of the course of study/meeting;
  - 2. Benefits to be derived by the employee and the County;
  - 3. Level of responsibility, performance and length of service of the employees;
  - 4. Estimated cost;
  - 5. Potential lost time from work; and
  - 6. Ability to adequately staff services during the employee's absence.
- C. Selection Of Participants  
Whenever there are a limited number of openings for a training course, or if attendance will be during an employee's regularly scheduled workday, the Appointing Authority will determine which employees may participate.

### Section 7.3

#### TUITION REIMBURSEMENT PROGRAM

- A. The goal of the Tuition Reimbursement Program is to promote learning that is above and beyond the minimal qualifications and requirements of an employee's job. To be eligible for the program, an employee must be a full-time permanent employee, with one (1) year of continuous service to Mahoning County. The course must be towards a related degree or be beneficial to the Appointing Authority.
  - 1. A course must be offered by accredited colleges or universities or their extension centers. Mahoning County reserves the right to determine the acceptability of any institution or course.
  - 2. A course is not to be considered a part of the working day and must be taken outside normal working hours on the employee's own time.
  - 3. Reimbursement is to be made upon satisfactory evidence of successful completion of each course. Successful completion means a grade of C or better.
  - 4. Original Receipts of expenditures must be submitted as evidence of amounts to be included in reimbursement.
  - 5. Reimbursement will be for the cost of tuition only up to a maximum of \$1,500 per year. This does not include books, registration fees, parking fees, supplies, lab fees, etc.
  - 6. Cost reimbursements from other sources are to be deducted from tuition to be reimbursed by Mahoning County.
  - 7. Repayment of reimbursement must be made if the employee does not remain in Mahoning County employment for a period of one (1) year after reimbursement.
  - 8. Courses must be taken for the time frame in which they were approved. If a situation arises in which an employee cannot take the class in the approved time frame, the request must be resubmitted for the next semester/quarter.
- B. The Appointing Authority controls the final approval of the expenditure of funds. Approval becomes a reserve against the appropriation of the department. At no time will any tuition reserves be approved if there is no money in the appropriate code.
- C. Mahoning County's obligation to reimburse education costs is canceled if:
  - 1. The employee fails to complete a course satisfactorily (C grade or better is satisfactory).
  - 2. The employee terminates employment voluntarily or is discharged due to a failure of good behavior prior to completion of the course.
- D. The employee must seek pre-approval of a course by submitting a Tuition Reimbursement Form approved by the Appointing Authority or Department Director before any tuition costs will be considered. A course description must accompany this form.
- E. The application must be completed and returned to the Human Resources Director at least three (3) weeks prior to the date when the course(s) begin.
- F. The employee will receive a response from the Human Resources Director within one (1) week of submitting the application.

- G. The Appointing Authority or the Department Director will then encumber the appropriate funds.

**CHAPTER 8**  
Section 8.1

ATTENDANCE

A. Absence Reporting

1. When an employee is unable to report to work, he/she must notify his/her immediate supervisor, or another designated person, within one half (1/2) hour of the start of his/her scheduled working hours on the first day of absence and each day thereafter, unless emergency conditions make it impossible or prior arrangements have been made with the Supervisor.
2. On the day the employee returns to work after an absence, he/she must report to his/her supervisor and complete an employee absence form. The supervisor to determine if the employee's absence can be approved will review the form, and any accompanying documents.

B. Frequency Of Absences

1. Regular attendance is expected of all employees;
2. A pattern of absences or frequent absences that affect the County's ability to provide services will result in disciplinary action.
3. An employee who develops a pattern of absences, tardiness or leaving work early will have his/her absences reviewed for possible abuse of sick leave or the attendance policy.

C. Tardiness/Early Departure

1. Employees are expected to arrive at work promptly and remain at work until the end of the scheduled workday.
2. Tardiness/early departure is defined as late arrival at the employee's work location, early departure or overstaying scheduled meal periods. An employee who will be late reporting to work must call the supervisor within one-half (1/2) hour of his/her scheduled time.
3. His/her supervisor must authorize any deviation from an employee's work schedule in advance as noted on the weekly time sheet.
4. Excessive tardiness is grounds for disciplinary action.
  - a. Disciplinary Procedure - Tardiness. If it is determined that an employee has arrived late for work or late from a meal break, the following progressive discipline will be applied:
    - First offense will result in a verbal warning
    - The second offense will result in a verbal warning
    - The third offense will result in a written warning
    - The fourth offense will result in a written warning
    - The fifth offense will result in another written warning with the employee being advised that the next offense will result in a suspension
    - The sixth offense will result in a suspension of four (4) or more days or removal at the Director's discretion.

The Director reserves the right in all cases to determine if disciplinary action is appropriate.

D. Weather Related And Emergency Closing

1. If the Governor declares a weather emergency, ~~or~~ the County Commissioners will compensate employees compensated for the time they were scheduled to work during the emergency period. Local media will be contacted to announce any official closings.
2. Employees not scheduled to work because of scheduled vacation or sick leave will be charged for the leave regardless of the declared emergency.
3. An employee who is absent, tardy or leaves work early on a day when weather conditions interfere with travel, but when no emergency has been declared by the State or County, is absent without leave and therefore in non-pay status. The employee may, with approval of the Appointing Authority, account for time during which he was absent from his job due to inclement weather by charging it to vacation, compensatory time or leave without pay. Inclement weather is not a valid use of sick time.
4. An employee may be required to work even though the County offices are closed due to an emergency. The employees are entitled to straight pay for the hours worked unless he/she is on overtime status. There will be no additional compensation as a result of an emergency.
5. All employees are required to keep their supervisors informed at all times as to their destination whenever leaving the building in which their unit is housed. In the absence of their immediate Supervisor, they must advise their next level chain of command.



## Section 8.2

### OUTSIDE EMPLOYMENT

Employees are expected to devote their full attention and effort to the duties to which you have been assigned. Therefore, full time employees are asked to refrain from working elsewhere if at all possible. It must be realized that employment with the County is the employee's primary responsibility. Outside employment will not be considered an excuse for poor performance, absenteeism, tardiness, or refusal to work overtime. Should the outside employment cause or contribute to any of these situations, disciplinary action may be initiated.

Outside employment is not permitted in the following cases where a clear conflict of interest exists:

1. Involves investigative work, such as for private attorneys or collection agencies that would be in conflict with normal duties;
2. Would render the employee unavailable during emergencies;
3. May physically or mentally exhaust the employee to the point that his duty performance may be affected;
4. Would require that any special consideration be given to scheduling the employee's regular duty hours;
5. Might bring the County into disrepute or impair the operation or efficiency of the department, this employee or the County.

### Section 8.3

#### DEPARTMENT EQUIPMENT

- A. Employees are responsible for all keys, access cards, and other equipment assigned to them, and must return them upon termination of employment. Cellular telephone equipment must be returned when leaving employment. Employees may be required to pay for lost equipment.
- B. Lost keys or access cards must be reported immediately to the Appointing Authority.
- C. The use of County equipment, machines and property for purposes other than County business is strictly prohibited. This includes, but is not limited to, the use of typewriters, duplication or copying machines, bulletin boards, computers, facsimile machines and telephones.
- D. Equipment or supplies removed from County offices or premises must be recorded by the supervisor, noting when it is removed, when it will be returned, and the individual responsible for its return.
- E. Employees are required to maintain the security of their work area by locking drawers and files. Securing confidential files in the appropriate areas, putting supplies and equipment away, locking doors, autos, and setting security system are expected to be done on a routine basis.
- F. Employees are caretakers of County property, not the owners. Any employee may have their work area searched at any time for any reason. Work area includes County owned vehicles as well as desks and files.
- G. Voice Mail
  - 1. The voice mail system is maintained for the benefit of the employer and the employer may monitor it at any time without prior notice. The system is a County asset and all entries are County property. Improper use of the voice mail system or its use for personal or non-business purposes may lead to disciplinary action.

**VIOLATIONS OF THE POLICY MAY RESULT IN  
DISCIPLINARY ACTION UP TO AND INCLUDING  
TERMINATION.**

Section 8.4

USE OF TELEPHONES

- A. Personal use of County telephones is discouraged. Use is limited to emergency situations and those calls approved by the employee's supervisor.
- B. Personal toll calls are prohibited.
- C. Excessive use of telephones for personal use or charging personal toll calls to the County will result in disciplinary action.

CELLULAR TELEPHONE/PAGER USAGE

- A. Assignment of Phones  
Cellular phones will only be issued to those County employees who demonstrate the need for them based on their job duties. The following criteria will be used to justify the need for cellular phones:
  - 1. A public safety response is necessary to the employee's job.The review for need will be performed by the Facilities Management Department in consultation with the County Administrator.
- B. Usage of Phones
  - 1. Employees are not to use cellular phones when landline phones are available.
  - 2. At no time shall cellular phones be used for personal calls.
- C. Random audits of bills and phone logs by Facilities Management will be conducted at least four (4) times per year. Audit certification will be received by Human Resources by the end of March, June, October, and December of each year. Any problems will be submitted to the County Administrator.
- D. Bills will be closely monitored to insure that there is no violation of Items A and B above. Any violation of this policy will result in discipline pursuant to Chapter 10 of the Personnel Policies Manual.
- E. Each employee may be required to sign an affidavit certifying their compliance with these policies and that they have used the phone properly.
- F. Pagers will be distributed to those employees who must be contacted in the course of the workday. This will include department directors and employees who must be able to respond in an emergency. The assignment of pagers should be reviewed each December by the department director.

INTERNET ACCESS POLICY

A. Policy Introduction

It is the policy of Mahoning County to encourage effective and efficient use of all County equipment for completion of County business. This includes use of the Internet for County employees to provide information to County residents, businesses, and other governmental agencies, to search for information, and for information exchange.

With the widespread use of the Internet as an information exchange medium, employees are able to access data that exists on the World Wide Web. Along with this access to the Web comes the potential for abuse. The intention of this policy is to outline issues regarding access and to set out the rules to be followed for Internet access.

B. Statements of Policy

The following statements are the intentions and use of the policy.

1. Accesses to the Internet

Employees are not to use their personal Internet accounts during work hours or use County equipment to reach personal sites. Internet access is limited to business purposes only. Business purposes to be determined by the Appointing Authority or Department Director. Data Processing will remove Internet access for any employee for violation of this policy after contacting the Elected official or Department Director.

2. Access Reporting

It is the responsibility of the Elected Official or Department Head to monitor and audit use of the Internet within the department. Data Processing will monitor and record user access to the Internet and provide the Elected Official or Department head with information that can be used to track access to all Internet sites on a regular basis.

3. Downloading Files

Files are not to be downloaded from the Internet without express consent by the employee's Elected Official or Department Director. The possibility of downloading a file with a computer virus is great and care must be taken not to contaminate any computers in the County. Files downloaded from the Internet, or any other outside service, must be scanned by virus checking software prior to being used on a County computer. Elected Officials or Department Directors can contact Data Processing for options available for virus checking of downloaded files.

4. Uploading Files

Files are not to be uploaded to the Internet without express consent by the employee's Elected Official or Department Director. Files uploaded to the Internet have the possibility of being intercepted by others and used against the County's interest.

5. Prohibited Use of the Internet

- a. Commercial use – any form of commercial use of the Internet is prohibited.
- b. Copyright violations – any use of the Internet that violates copyright laws is prohibited.

- c. Solicitation – the purchase or sale of personal items through advertising on the Internet is prohibited, including but not limited to the purchase and sale of investments, i.e. stocks, bonds, mutual funds, etc.
- d. Harassment – the use of the Internet to harass employees, vendors, customers, and others is prohibited.
- e. Political – the use of the Internet for political purposes is prohibited.
- f. Aliases – the use of aliases while using the Internet is prohibited. Anonymous messages are not to be sent. Also, the misrepresentation of an employee's job title, job description, or position in the County is prohibited.
- g. Misinformation/Confidential Information – the release of untrue, distorted, or confidential information regarding County business is prohibited.
- h. Viewing/Downloading of Non-Business Related Information – the accessing and viewing, downloading, or any other method for retrieving non-County related information is prohibited. This includes, but is not limited to, entertainment sites, pornographic sites, investment sites, and other sites determined by the Appointing Authority or Department Director to be non-business related.

C. Email

The County's policy relative to email includes the following, which is not to be interpreted as exclusive of the above-referenced provisions, but rather is inclusive of same:

- 1. The County maintains an electronic mail system. This system is provided by the County to assist in the conduct of business within the County.
- 2. The electronic mail system hardware is County property. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of the County. They are not the private property of any employee.
- 3. The use of the electronic mail system is reserved solely for the conduct of business at the County. It may not be used for personal business. The Appointing Authority or Department Director shall determine whether the electronic mail usage at issue was personal or business related.
- 4. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations or other non-work related solicitations.
- 5. The electronic mail system is not to be used to create any offensive or disruptive messages. Among those considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, or disability.

6. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
7. The County reserves and intends to exercise the right to review, audit, intercept, access, and disclose all messages created, received, or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed within the County without the permission of the employee.
8. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the County does not authorize the use of passwords to restrict access to email documents on County-owned equipment.
9. Notwithstanding the County's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any email messages that are not sent to them. Any exception to this policy must receive prior approval by the Elected Official or Department Director.
10. Any employees who discover a violation of this policy shall notify their supervisor immediately.
11. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline up to and including termination.

D. Legal Issues

1. Copyrights  
Most of the information on the Internet is copyrighted. It is illegal to reproduce or distribute copyrighted information regardless of its source. It is the Elected Official or Department Director's responsibility to ensure that copyrighted information is not misused by the employee. Violation of copyright laws endanger the County and legal remedies include large fines.
2. Discrimination  
Harassing messages, derogatory comments, or other forms of discrimination based upon race, sex, religion, or creed is against the law. It is the Elected Official or Department Director's responsibility to ensure that employees do not engage in discriminatory behavior while accessing the Internet.
3. Privacy  
An employee's rights while accessing the Internet by use of County property does not include the right to privacy. The County reserves the express right to monitor, in any way, the activities of the employee while accessing the Internet. Violation of County policy regarding Internet use may result in disciplinary action up to and including termination.
4. Miscellaneous Issues
  - a. It is the responsibility of each employee to ensure that software and hardware computer resources owned, leased by, or licensed to the County are properly secured and controlled.

- b. No employee may misuse his/her authority over any such computer resources.
- c. No employee may reproduce or make personal use of proprietary software purchased by and licensed to the County.
- d. No employee may use the County's computer resources for private purposes including family, friends, or for playing games.
- e. No software, data, or information may be removed from the County premises in the form of tape, diskette, print, or other media nor uploaded to the Internet, unless the removal is related to County business.
- f. No employee will, without written permission from the Appointing Authority, disclose County information to others.
- g. Personal passwords are regarded as confidential and may not be given to others. Any suspected loss or misuse of passwords is to be reported immediately to the Appointing Authority.
- h. No user shall install, upload, or download any software on County equipment without the express written consent of the Data Processing Board and the Board of Mahoning County Commissioners.



## Section 8.7

### POLITICAL ACTIVITY

- A. Classified employees are prohibited from participating in partisan political activities.
- B. Political activities permitted to classified employees but not during work hours include:
  - 1. Registering and voting;
  - 2. Expressing opinions, either orally or in writing;
  - 3. Making voluntary financial contributions to political candidates;
  - 4. Circulating nonpartisan petitions or petitions stating views on legislation;
  - 5. Attending political rallies that are open to the public;
  - 6. Signing nominating petitions in support of individuals; or
  - 7. Displaying political materials in the employee's home or on the employee's property;
  - 8. Wearing political badges or buttons, or the display of political stickers on private vehicles; and,
  - 9. Serving as a precinct election official under Section 3501.22 of the Ohio Revised Code.
- C. Political activities prohibited to classified employees include:
  - 1. Participating in a partisan election as a candidate for office, e.g. Commissioner, elected County office, any party contested primary;
  - 2. Candidacy for public office in a nonpartisan general election if the nomination to candidacy was obtained in a partisan primary or through the circulation of nominating petitions identified with a political party;
  - 3. Filing of petitions meeting statutory requirements for partisan candidacy to elective office;
  - 4. Holding an elected or appointed office in any political organization;
  - 5. Circulating official nominating petitions for any candidate participating in a partisan election;
  - 6. Accepting appointment to any office normally filled by partisan election.
  - 7. Campaigning by writing for publications, or distributing political material, or by writing or making speeches on behalf of a candidate for partisan elective office, when such activities are directed toward party success;
  - 8. Soliciting, either directly or indirectly, an assessment, contribution or subscription, either monetary or in-kind, for any party or candidate for partisan office;
  - 9. Soliciting the sale or selling political party tickets, materials or other political matter; or
  - 10. Engaging in partisan political activities at the polls, such as soliciting votes, assisting voters, assisting voters to mark ballots, transporting or helping get out the voters on Election Day or watching the polls as a representative of a political party;
  - 11. Serving as witness or challenger for any party or partisan committee;
  - 12. Participating in political caucuses of a partisan nature; and,
  - 13. Participating in a political action committee that supports partisan activity.

DRUG FREE WORKPLACE

- A. The use, sale, distribution, possession or manufacture of illegal drugs, illegal prescription drugs, or alcoholic beverages on the premises of Mahoning County, in any of its vehicle or by an employee while on duty is prohibited.
- B. Employees are prohibited from being under the influence of alcohol, behavior-altering drugs or illegal drugs during work hours. Employees are also prohibited from being under the influence of these substances when they are representing the County at meetings or in the community. Both employees and County owned equipment and containers under their control are subject to search and surveillance at all times while on County premises or while conducting County business, if the occasion warrants such measures.
- C. An employee who must use prescribed drugs, which could impair his/her ability to perform the job duties, must report this fact to his/her supervisor along with acceptable medical documentation. A determination will then be made as to whether the employee should be able to perform his/her job safely and properly.
- D. An Appointing Authority will not knowingly hire an individual whose current use of alcohol would prevent him/her from performing the job or who would constitute a direct threat to the property or safety of himself/herself or others. The Appointing Authority will not knowingly hire an individual who is currently using illegal controlled substances. Certain specific job classifications may require testing for the presence of such substances. Whenever an applicant for employment in one of those classifications must be tested, he/she will be informed of the test requirement in writing before the test is administered.
- E. Procedure to follow when an individual is reasonably suspected to be under the influence of drugs or alcohol while on duty:
  - 1. An employee who suspects that another employee is under the influence of drugs or alcohol should notify the employee's supervisor (or the individual in charge at the time).
  - 2. The supervisor will observe the employee and determine through observation and questioning if the employee is ill, fatigued, under the influence of prescribed drugs, reacting to environmental substances such as smoke or fumes, or possibly under the influence of illegal drugs or alcohol. The supervisor will record his/her observations and any information gathered from the employee.
  - 3. If the supervisor determines that there is reason to believe the employee is under the influence of alcohol or illegal drugs, he/she will contact the Appointing Authority.
  - 4. The Appointing Authority may conduct a further investigation or require drug or alcohol testing according to the procedure outlined below.
  - 5. Prior to testing, the employee will be given a written statement documenting the specific objective facts leading to reasonable suspicion. The employee will be given an opportunity to read and understand the reasons for requiring a test and will have the opportunity to respond and/or provide a written statement. Another employee during such an explanation may accompany the employee.

6. The employee will lose no straight time pay during the drug or alcohol testing process. Refusal to submit to a required test will result in disciplinary action.
7. Testing procedure:
  - a. Testing will be done by a laboratory certified by the State of Ohio as a medical and forensic laboratory that complies with the scientific and technical guidelines for federal drug or alcohol testing programs.
  - b. Specimens will be collected according to the laboratory's established procedures to ensure procedural integrity and a chain of evidence.
  - c. If the test results show the employee tests positive of drugs or alcohol (.04 and above) while on duty, the appropriate disciplinary action will be administered. If the test results are .02-.04, the employee will be sent home for the day.
  - d. If the test results are below the levels set by the laboratory as positive, the results will be reported as negative and all documentation regarding supervisor's observations and testing will be destroyed.
- F. An employee experiencing problems resulting from drug or alcohol abuse or dependency shall be referred to the County EAP for assessment. Counseling will be kept confidential and will have no influence upon performance appraisal. Job performance alone will be the basis of all performance appraisals.
- G. If an Appointing Authority has reasonable suspicion that an employee is dependent upon controlled substances, he/she may require that an approved alcohol/drug rehabilitation program evaluate the employee. The employee will be required to submit to the evaluation before his/her return to work. The employee will be placed on paid administrative leave during the evaluation process, so long as he/she reports for the evaluation at the appointed time. If the employee refuses to promptly submit to an evaluation, the County will consider this a positive test and will discipline accordingly.

If an employee is found to be dependent upon controlled substances, he/she may use accrued sick leave or request an unpaid Leave of Absence during the treatment program and until he/she is released by his/her physician to return to work.
- H. Failure to cooperate with an established treatment plan may result in discipline, up to and including discharge.
- I. An employee convicted of any criminal drug violation occurring in the work place must report such conviction to the Appointing Authority within five (5) days.

Section 8.9

GARNISHMENTS

- A. A court ordered legal claim by a creditor against the wages of a County employee for non-payment of a debt which is served to the County by the constituted legal authority is a garnishment and will be recognized and executed by the County.
- B. Repeated or multiple garnishment of an employee's wages, not including the court mandated garnishment of child support payments, may result in disciplinary action.
- C. When the County receives a garnishment, the Appointing Authority will discuss the garnishment with the employee.
  - 1. If the garnishment is the first one received by an employee, he/she will be advised of the consequences of further garnishments. Every reasonable effort will be made to assist the employee in resolving his/her financial difficulties through referral to assistance agencies.

DRESS STANDARDS

- A. A neat professional appearance is a requirement. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. These are the factors that you should take into consideration when determining appropriate dress:
  1. The nature of your work;
  2. Safety considerations, such as necessary precautions when working near machinery or hazardous work areas. Employees will be required to wear proper safety equipment at all times, without exception for any reason.
  3. The nature of your public contact, if any, and the normal expectations of outside parties with whom you will work.
  4. The prevailing dress practices of other workers in similar jobs.
- B. Employees are expected to dress in a manner that is normally acceptable in business establishments. Good personal hygiene along with neat, clean, and pressed clothing is expected at all times. Hair should be clean, combed, and neatly trimmed or arranged. Sideburns, mustaches, and beards should be neatly trimmed.
- C. The following articles of clothing are considered to be unacceptable office attire:

Shorts, sportswear skirts, skirts shorter than three (3) inches above the knee; halter and strapless dresses; halter, tube, and midriff tops; T shirts; sleeveless tops or dresses without a jacket or sweater; tops with sayings, other than the designer name; flip flops or thong-style sandals; tennis shoes; sandals; leg warmers; turbans, scarves, curlers, hats and head wear of this nature; foot coverings such as socks that do not come above the ankle; denim pants, including jump suits and pants suits, of any color; sweat shirts and sweat pants; stirrup pants; spandex or tight cotton pants; bare legs with no hosiery; mini-skirts.
- D. The Appointing Authority of at his/her discretion may exempt specific employees, units and/or departments from certain provisions within this policy due to the nature of the work assigned. For example, employees in departments, which involve manual labor, will adhere to a separate dress code approved by the Director or his designee.
- E. When an employee's dress does not comply with established standards, the supervisor's normal response should be to discuss the matter with the employee. If continued counseling fails to bring the desired response, the supervisor may initiate disciplinary action. An employee who disagrees with a supervisor's judgment on matters of dress shall have recourse to the dispute resolution system. No disciplinary action shall be taken until that dispute resolution process has been completed. It is expected that dress requirements will be explained to prospective employees during the selection process.
- F. Supervisors reserve the right to refuse employees access to the workplace for wearing clothing not consistent with the policies of the department. An employee refused access to the work place will not be paid for the workday.

- G. Each Appointing Authority may provide for Professional Casual Dress on Fridays. However, dress such as that outlined in Item C above is unacceptable on Fridays as well.

Section 8.11

GAMBLING

The County does not permit gambling in any form by County employees during work time. For the purpose of this policy, work time includes regular working hours, lunch periods, clean-up time and other breaks.

Section 8.12

SOLICITATION AND DISTRIBUTION

- A. Unauthorized persons are not permitted on County property for any reason at any time.
- B. Solicitation, distribution or selling by non-employees is prohibited, except by authorized vendors engaged in sales of equipment and supplies to the County.
- C. Sales efforts by vendors are allowed when scheduled and authorized by the Appointing Authority.
- D. Solicitation, distribution or selling between employees is restricted to off duty periods in non-work areas.
- E. Authorized persons include only those persons who have a legitimate business reason to be on the property.



Section 8.13

POSTING AND SOLICITING

- A. Bulletin Boards shall be used only for the posting of public business. No bulletin boards shall be used to post any solicitation or advertisement for any event, lottery, drawings, meetings, or other occasion which is not specifically and directly related to the conduct of the business of a government agency. This applies when the sponsoring or beneficiary agency is either for a profit or a non-profit agency.
- B. Posting of any of the above also applies to the walls of any County facility.
- C. All notices, advertisements, and other materials, which are posted in violation of this policy, shall be promptly removed and destroyed.
- D. The placing of products to be sold within the Reception Area(s) is prohibited.
- E. Listings of Group Lottery Ticket purchasers is not permitted to be posted within the working areas.
- F. No person, whether representing himself/herself, or any organization or agency, shall solicit any person, whether or not such person is an employee of Mahoning County, for the purpose of promoting, selling, or recommending any commercial product, service, benefit, agency, or organization during established working times, on or about any common areas, or grounds under the control and supervision of the Board of County Commissioners, as such is defined in Chapter 307 of The Ohio Revised Code.
- G. No person, whether representing himself/herself, or any organization or agency, shall solicit any person, whether or not such person is an employee of Mahoning County, for the purpose of promoting, selling, or recommending any commercial product, service, benefit, agency, or organization during established working times, on or about any common areas, or grounds under the control and supervision of the Board of County Commissioners, as such is defined in Chapter 307 of The Ohio Revised Code.

SMOKING POLICY

A. Introduction

Medical evidence currently indicates that smoking is hazardous to the health of smokers and second hand smoke can be hazardous to non-smokers as well. The Board of County Commissioners recognizes the rights of non-smokers to breathe clean air. The Board also recognizes the rights of individuals to smoke, providing such smoke does not endanger life or property, or cause discomfort or infringe upon the rights of others. Therefore, in the best interest of all County employees of the Board of County Commissioners, both smokers and non-smokers, and as well as the general public, the Board of Commissioners establishes and will enforce this "No Smoking" policy in the work place.

B. Policy Statement

Effective April 1993, there will be **NO SMOKING** in any County owned buildings, County-owned/leased vehicles, public areas, conference rooms, training rooms, training centers, auditoriums, restrooms, medical facilities, garages, stairwells, elevators, and/or any location on County property. The County reserves the right to designate smoking areas in assigned areas through the specific agency director.

C. Enforcement

The success of this policy will rely on the thoughtfulness, consideration, cooperation, and respectfulness of both smokers and non-smokers. All County employees share in the responsibility for adhering to and enforcement of this policy. The failure to abide to the terms and conditions of this NO SMOKING POLICY may result in progressive disciplinary action beginning with a verbal warning and may lead to the termination of employment for failure to obey this policy.

The Board of County Commissioners reserves the right, at any time, to amend this policy. Inquiries regarding the administration of this policy should be directed directly to your immediate supervisor or department director, who will in turn forward to the County Human Resources. The final authority on interpretations of this No Smoking policy will rest with the County Administrator.

County employees who violate this smoking policy will be subject to discipline.

## CHAPTER 9

### Section 9.1

#### COMPLAINTS

##### A. Definitions

1. A complaint is any disagreement with management about the employment relationship.
2. A formal complaint exists when an informal resolution to a dispute cannot be achieved, and the employee making the complaint has submitted a written complaint to his/her immediate supervisor.
3. The formal complaint must specify what is being complained about; specifically: the events giving rise to the complaint, the date it occurred or date made known, the policy or contractual issue in dispute and any statements which will help in determining the facts.

There must be a specific relief or specific remedy indicated by the complaining employee.

##### B. Complaint Procedure

1. Complaints are to be settled at the earliest possible step of the procedure. The employee must proceed through each step of the complaint procedure in proper order and within the prescribed time limits. Where a complaint cites issues of law that the individual hearing the complaint cannot address, the complaint will be sent to the Prosecutor's office for an opinion before proceedings. All time limits stated in this procedure will be held in abeyance until a response from the Prosecutor is received. A complaint regarding alleged violations of Civil Rights (discrimination on the basis of race, color, age, religion, sex, ancestry, national origin or disability) should be brought to the attention of the Appointing Authority and Human Resources Director.
2. Nothing in this policy is intended to deny an employee any rights available by law, including the right to appeal to the State Personnel Board of Review, the Ohio Civil Rights Commission, the Equal Employment Opportunity Commission, or any Court of competent jurisdiction. However, if the employee elects to file a complaint on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body.
3. A complainant may be accompanied by one (1) other representative during any meetings held to resolve the complaint.
4. A written complaint must state the reason for the complaint and the requested resolution.
5. Complaints will not be made a part of an employee's Personnel file.
6. The following procedure will be followed in processing a complaint:
  - a. Informal Resolution  
Within five (5) workdays of the event prompting the complaint, the employee will meet with his/her supervisor or an appropriate management level employee to try to resolve the issue.

##### b. Level One

If the issue is not successfully resolved through the informal resolution step, the employee may within five (5) workdays of the informal resolution meeting file a written complaint with the supervisor. The supervisor will reply in writing to the written complaint within five (5) workdays of its receipt.

c. Level Two

If the Level One response is not acceptably resolved, he/she may within five (5) workdays of its receipt, appeal in writing to the Department Director. The Department Director will respond in writing within five (5) workdays of receipt of the appeal.

d. Level Three

The decision of the Department Director may be appealed within five (5) working days. The County Administrator or designee will meet and/or conduct an investigation within ten (10) workdays of receipt of the appeal. County Administrator will respond in writing, within five (5) workdays following the conclusion of the investigation. The County Administrator or designee will submit a recommendation to the Appointing Authority. The recommendation is subject to the approval of the Appointing Authority.

7. When management does not respond within the established time limits, the employee may appeal the complaint to the next level. When an employee does not appeal within the established time limits, the complaint is deemed settled with the last management response.
8. Copies of each complaint, response and correspondence about the complaint will be filed with the Appointing Authority on the day of its execution or receipt.

## CHAPTER 10

### Section 10.1

#### DISCIPLINE POLICY

Employees may be reduced in pay or position, suspended, terminated or otherwise disciplined by the County for, among other reasons, incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of departmental regulations or any other failure of good behavior or for any other act of misfeasance, malfeasance or nonfeasance in office.

The Appointing Authority is obliged to investigate the nature of alleged infractions to determine if a violation of law or policy has occurred. Employees must provide complete and accurate information during any investigation.

In cases involving serious misconduct as listed as above, the procedures outlined in the progressive disciplinary policy may be waived and the employee will have their behavior investigated and notified as to the date and time for a predisciplinary hearing.

The Appointing Authority always reserves the right to take any disciplinary action that is appropriate to the violation.

DISCIPLINARY PROCEDURE

- A. Employees are hereby advised of expected job behavior, the types of conduct that are unacceptable and the penalties for unacceptable behavior.
- B. Supervisors are to follow an established system of progressive discipline when correcting job behavior. Each offense is to be documented and dealt with objectively.
- C. The progressive discipline policy is established as a guide for management employees to use in administering discipline in a uniform manner. The discipline policy in no way limits the statutory rights enumerated in the Ohio Revised Code.
- D. This policy provides standards penalties for specific offenses; however, the examples of specific offenses given in any grouping are not all-inclusive, and merely serve as a guide.
- E. The standard penalties provided in this policy do not prevent the application of a greater or less severe penalty for a given infraction when circumstances warrant in instances where a penalty deviates from the recommended standard penalty, the reason for deviation should be noted.
- F. Documentation of verbal instruction and counseling will be logged by the employee's supervisor. Records of verbal instruction/counseling will become inactive after twelve (12) months if there are no subsequent or related violations. If there are subsequent violations, the verbal instruction/counseling will remain in effect until twelve (12) months after the most recent incident. Written disciplinary action will remain active in the employee's file and be counted in the progressive scheme of discipline for twenty-four (24) months. If at the end of a twenty-four (24) month period, there have been no further instances of the same or a related offense, the action will become inactive. If there are subsequent violations, the written disciplinary action will remain in effect until twenty-four (24) months after the most recent incident. Inactive records will not be considered when processing subsequent disciplinary actions. However, all records and disciplinary proceedings, verbal or written, involving incidents of immoral behavior as defined in ORC 124.34 will remain in effect during the entire period of an employee's employment with the County.
- G. Different offenses within the same group and related offenses within different groups are to be disciplined progressively (that is, each incident is disciplined at the next higher level).
- H. Unrelated offenses in different groups are to be considered individually.
- I. Progressive Discipline Offenses
  - 1. GROUP 1 OFFENSES
    - a. GROUP 1 OFFENSES are minor in nature and cause minimal disruption.
    - b. GROUP 1 OFFENSES include:
      - Failure to call in an absence
      - Excessive absences

- Unexcused absence from a scheduled staff meeting
- Chronic tardiness
- Starting late, or leaving early
- Making preparations to quit work before the appointed break or quitting time
- Leaving the assigned work area without authorization
- Interfering with the work of others
- Malicious mischief, horseplay, wrestling, or other misconduct
- Unnecessary shouting or disruption
- Use of profane or abusive language
- Neglect of work
- Unsatisfactory work or failure to maintain required standard of performance
- Failure to work cooperatively with other employees
- Careless use of County property or equipment
- Use or possession of another employee's equipment without authorization
- Poor housekeeping in work area
- Contributing to or creating unsafe or unsanitary conditions
- Failure to follow safety rules and procedures
- Failure to observe department rules, policies or procedures
- Unauthorized personal use of County telephones
- Prohibited use of department computers and/or software

c. Appropriate disciplinary action for Group 1 offenses include:

**First Offense**

Verbal instruction and warning/counseling

**Second Offense**

Written reprimand

**Third Offense**

One (1) to three (3) day suspension without pay

**Fourth Offense**

Five (5) to fifteen (15) day suspension without pay

**Fifth Offense**

Discharge

2. GROUP 2 OFFENSES

- a. GROUP 2 offenses are of a more serious nature than GROUP 1 OFFENSES and if left undisciplined may cause a serious and lasting disruption to the operation of the County.
- b. GROUP 2 OFFENSES include:
  - Disorderly conduct
  - Use of abusive or threatening language toward supervisors

- Conduct violating morality or common decency, including sexual harassment
- Discourteous treatment of the public
- Reporting for work or working while unfit for duty
- Being in possession of alcoholic beverages on the job
- Sleeping during work hours
- Failure to report for overtime work
- Failure to provide required documentation of absences
- Willful disregard of County rules, regulations, policies, or procedures
- Willful failure to make required reports
- Unauthorized posting or removal of notices or signs from official bulletin boards
- Unauthorized use of County property or equipment
- Performing private work on County time
- Unauthorized solicitation or distribution on County property
- Obligating the County for any expense or service without authorization
- Failure to report an accident, injury, or equipment damage
- Refusing to give testimony in an accident or incident investigations
- Making or publishing false, vicious or malicious statements about County employees or County operations

- c. Appropriate disciplinary action for GROUP 2 OFFENSES includes:

**First Offense**

Written reprimand and a two (2) or three (3) day suspension without pay

**Second Offense**

Five (5) to fifteen (15) day suspension without pay

**Third Offense**

Discharge

3. GROUP 3 OFFENSES

- a. GROUP 3 OFFENSES are of a very serious or possibly criminal nature and cause critical disruption to the operation of the County.
- b. GROUP 3 OFFENSES include:
- Disobeying orders of a supervisor
  - Failure to maintain required licenses or registrations
  - Absence from duty without leave
  - Insubordination by refusing to perform assigned work or comply with written or verbal instructions of supervisors
  - Wanton or willful neglect of duties
  - Instigating, leading or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return



to work, or other concerted curtailment, restriction, or interference with work

- Gambling during work hours
- Possession, using or selling illegal drugs
- Carrying or possessing firearms, explosives or weapons on County property without prior authorization
- Fighting or attempting to injure other employees, supervisors, or the public
- Threatening, intimidating, coercing, or interfering with other employees
- Abuse or deliberate destruction of County property or equipment, or of the property or equipment of other employees
- Stealing, destroying, or damaging or concealing property of the County or of any other employee
- Destroying County Records
- Dishonesty or dishonest action such as theft, pilfering, opening desks assigned to others, making false statements, making inaccurate or false reports concerning absences, etc.
- Giving false information or withholding pertinent information requested in an employment application
- Knowingly concealing a communicable disease that may endanger others
- Unauthorized altering of a time sheet
- Making false claims or misrepresentation in an attempt to obtain a County benefit
- Giving false testimony during the investigation of a complaint
- Falsifying testimony when an accident is being investigated;
- Falsifying, assisting in falsifying, or destroying County records
- Misusing or removing records or information without authorization
- Unauthorized release of confidential information
- Unauthorized political activity
- Sexual harassment

- c. Appropriate disciplinary action for GROUP 3 OFFENSES includes:

**First Offense**

From fifteen (15) days suspension to discharge

**Second Offense**

Discharge

### Section 10.3

#### PRE-SUSPENSION, REDUCTION, OR REMOVAL PROCEDURE

When a classified employee allegedly commits an offense that could result in a suspension, reduction or removal, the following procedure will be followed: \*

- A. The employee is to be provided with a letter from the Supervisor, Department head or Appointing Authority advising him/her of the nature of the charges, date and time for the predisciplinary hearing/conference and any rights the employee has to representation. If employees request a continuance they may receive one at the discretion of the Appointing Authority or assigned hearing officer.
- B. The employee will be given an opportunity to give his/her version of events leading to the inquiry. One other employee or a non-employee representative during the meeting may accompany the employee.
- C. Should management decide that a disciplinary suspension, reduction or removal is warranted, the employee will be provided a written statement affirming the charges and imposing discipline.
- D. When an employee is suspended for more than three (3) days or removed from his/her position, the Appointing Authority will furnish the employee with a copy of the removal order stating the reasons for the action. A copy will be filed with the State Personnel Board of Review, unless the collective bargaining agreement provides otherwise.

*\*When an employee's behavior requires immediate removal from the premises, the employee may be placed on administrative leave for the remainder of the workday. The employee must report to work the next workday, or at a time established by the employer.*

#### Section 10.4

#### APPEALS

- A. Personnel actions such as removals, suspensions of more than three (3) days, reduction in pay or position and layoffs may be appealed through the in-house complaint procedure. Classified employees may choose to appeal to the State Personnel Board of Review, unless the collective bargaining agreement provides otherwise. Should an employee choose to appeal to the State Personnel Board of Review, the in-house hearing procedure may also be used. An employee who wishes to appeal a suspension of three (3) days or fewer may only use the COMPLAINT PROCEDURE.
- B. Appeal of a removal, reduction in pay or position or suspension of more than three (3) days may be filed with the State Personnel Board of Review within ten (10) days of receipt of the order. Appeal of a layoff must be made within ten (10) days of the notice of layoff.
- C. The State Personnel Board of Review maintains authority to decide whether an appeal warrants a hearing. When an Appeal is heard, the Board may affirm, disaffirm or modify personnel decisions made by the County Commissioners or the Appointing Authority.

## CHAPTER 11

### Section 11.1

#### VOLUNTARY SEPARATION

- A. Resignation
  - 1. Resignation in good standing requires a minimum of two (2) weeks' notice.
  - 2. Resignation is to be in writing and submitted to the Appointing Authority for acceptance.
  - 3. An employee who does not resign in good standing is ineligible for reinstatement.
- B. Abandonment
  - 1. An employee who is absent from duty without leave for three (3) consecutive days is deemed to have resigned his/her position. The resignation will be reported to the Department of Administrative Services.
  - 2. If at any time within thirty (30) days of termination for abandonment, a classified employee makes to the Appointing Authority a satisfactory explanation of the cause of his/her absence, he/she may be reinstated.
  - 3. An employee who has abandoned his/her position is not eligible for future employment with the County.
- C. Retirement Eligibility

An employee's eligibility to retire is based entirely on the Ohio Public Employees Retirement System (PERS) and the Ohio law set forth in Ohio Revised Code §145.01 et seq. and Ohio Administrative Code Chapter 145 et seq. and any amendments thereto. The employee should consult PERS to determine eligibility and benefits.

Section 11.2

INVOLUNTARY TERMINATION

- A. Probationary Discharge  
A newly appointed probationary employee may be terminated by the Appointing Authority at any time during the probationary period. He/she may be separated for cause at any time during the probationary period. Such action may not be appealed and is not subject to the complaint or grievance procedure.
- B. Disciplinary Discharge
  1. Discharge is a serious disciplinary measure taken when less severe methods of discipline have not produced appropriate behavior, or when a serious infraction so warrants.
  2. The discharge of a classified employee may be appealed to the State Personnel Board of Review, unless the collective bargaining agreement provides otherwise.
- C. Layoff  
Whenever it becomes necessary for an Appointing Authority to reduce his/her workforce, the Appointing Authority will lay off employees and recall employees in accordance with Sections 124.321 through 124.327 of the Ohio Revised Code and Chapter 123:1-41 of the Ohio Administrative Code, or in accordance with a collective bargaining agreement under Section 4117.

**TERMINATION BENEFITS**

**A. Sick Leave Conversion**

1. At the time of retirement from active service with the County, an employee with ten (10) or more years service with any political subdivision of the State of Ohio may choose to be paid in cash for one-fourth (1/4) the value of his/her earned but unused sick leave credit. The maximum payment may not exceed two hundred forty (240) hours, or thirty (30) days. Please check your collective bargaining agreement to determine any difference in conversion.
2. Payment is based upon the employee's rate of pay at the time of retirement.
3. Payment will eliminate all sick leave credit accrued by the employee at the time of payment. Such payment may be made to an employee more than one time if the employee returns to public service and accrues additional sick leave. The total of all payments may not exceed 240 hours or thirty (30) days.
4. An employee eligible for the sick leave conversion who dies is considered to have terminated his/her employment as of the date of death. Sick leave conversion, if applicable, will be paid according to Ohio Revised Code Section 2113.04, or paid to the employee's estate.

**B. Health Care Benefits Continuation (COBRA)**

In certain instances, employees and their families have the right to temporarily extend their health care benefits at group rates. COBRA benefits are set entirely by Federal law and any amendments thereto.

1. An employee covered by the County's health care plan has a right to choose the continuation coverage if he/she would lose group coverage because of:
  - a. A reduction in hours of work below the minimum required for eligibility under the plan; or
  - b. Termination of employment for any reason other than gross misconduct;
  - c. An employee's spouse and dependent children covered by the County's Health care plan have the right to continuation coverage if group health care coverage under the County's plan would be lost due to a "qualifying event" such as:
    - Death of the employee – 36 months;
    - Disability of the employee – 29 months;
    - Termination of the employee's employment for any reason other than gross misconduct – 18 months;
    - Reduction in the employee's hours of work below the minimum required for eligibility under the plan – 18 months;
    - Divorce or legal separation – 18 months;
    - Employee becoming entitled to Medicare – 18 months; or,
    - Dependent child ceasing to be a "dependent child" under the terms of the County's health care plan – 18 months.

2. Any person who is covered or should have been covered under the employee's plan on the day before a qualifying event, and who will lose coverage, will be considered a "qualified beneficiary".
3. If the qualified beneficiary does not choose continuation coverage, group health care coverage will end.
4. Qualified beneficiaries need not show they are insurable in order to qualify for continuation coverage.
5. Qualified beneficiaries must pay the full premium at applicable rates plus a service fee of up to two percent (2%). Late payments may result in loss of coverage.
6. Questions about this policy may be directed to the Mahoning County Benefits Coordinator.
7. Employees are responsible for notifying the Mahoning County Benefits Coordinator of any change in status including, for example, marital status, dependent status or residence. Failure to notify the County may result in personal liability for all unauthorized charges.
8. The following procedure will be used for notifying employees of COBRA rights:
  - a. Each employee will be notified of his/her COBRA rights at the time he/she begins coverage under the County's health care plan.
  - b. Spouses of all covered employees will be notified of this policy and its provisions at the time family or spouse coverage begins under the County's health care plan.
  - c. Notification of an employee's spouse will be deemed to serve notice on all dependent children.
  - d. Within thirty (30) days, the Appointing Authority will notify the Mahoning County Benefits Coordinator of any of the following "qualifying events":
    - Employee's death;
    - Employee's termination;
    - Employee's reduction in hours, making him/her ineligible for benefits;
    - Employee's eligibility for Medicare;
  - e. Within sixty (60) days, the employee is responsible for notifying the Mahoning County Benefits Coordinator of any of the following "qualifying events":
    - Divorce;
    - Legal Separation;
    - Loss of dependent eligibility under the plan requirements (age or student status)
    - Marriage
  - f. The employee/dependent must notify the Mahoning County Benefits Coordinator of his/her decision to extend benefits within sixty (60) days of the qualifying event of the date of eligibility notice.

- C. PERS – Disability And Survivor Benefits  
Eligibility for disability and survivor benefits is set forth entirely by Ohio PERS. The employee should consult with PERS to determine eligibility and benefits.
- D. Accrued Leave  
At the time of separation, an employee will be paid his/her current hourly rate of pay for all vacation and compensatory time credit.



**EXIT INTERVIEW**

- A. Upon separation from employment, an employee must meet with his/her supervisor or with the Appointing Authority to process paperwork and return County property.
- B. The Appointing Authority or his/her designee will inform the employee of all termination benefits, verify forwarding addresses for the employee and any dependents and get necessary signatures.
- C. The employees will relinquish all County property, including, but not limited to, identification cards, equipment and keys.
- D. If the separation is voluntary, the employee will be asked to complete an exit interview questionnaire and discuss his/her answers during the exit interview. Information gathered in exit interviews is used to evaluate Appointing Authority practices and identify areas requiring action to make the County a more attractive employer. Exit interview questionnaires will not be placed in the employee's personnel file.

## CHAPTER 12

### Section 12.1

#### **VEHICLE REGULATIONS OF THE BOARD OF COUNTY COMMISSIONERS**

- A. Vehicles may be provided for those elected officials, department directors and employees who require transportation in the course of their duties.
1. Department directors will make vehicle assignment based on a written request. This request must provide a documented justification of need. Approval will be based on transportation needs, emergency requirements, call-out availability, after hour meetings, cost effectiveness, or as otherwise determined by the County Administrator and/or the Board of County Commissioners.
  2. Permanent vehicle assignments are to be reviewed annually by the Board of County Commissioners and the appropriate elected officials, in line with the Budget Appropriations Process.
  3. Temporary short-term vehicle assignments are subject to department director approval.
  4. All operators of County vehicles must have a valid Motor Vehicle Operators License, and specify the type of vehicle being operated.
  5. Departments, which have gasoline credit cards, shall use them to purchase only gasoline or oil on official County business ONLY. All other supplies and equipment will be purchased through the County Garage.
  6. Automobile Liability Insurance: employee operated and owned vehicles will be required to carry \$100,000.00/\$300,000.00 limits of liability on their own vehicles. No employee will be able to transport ANY non-employee of County in his or her own vehicle without a copy of the current insurance in force. Violation of this section will result in discipline.
  7. Alcoholic beverages are not to be used in/or on County vehicles:
    - a. No person under the influence of alcohol or controlled substance is to drive a County vehicle.
    - b. Alcohol and drugs are not to be used in or on County vehicles. Alcohol and drugs are not to be transported in or on County vehicles except as a function of law enforcement or operation of a medical or nursing institution. County vehicles are not to be operated while an employee is under the influence of alcohol or drugs except for approved prescriptive medications, which shall not impair the employee's operational ability, taken under a program of medical care, prescribed by a licensed physician. All employees operating County vehicles under such a program must notify their supervisor and present their physician's certificate attesting to non-impairment of their ability to operate a County vehicle. Supervisors are responsible to ascertain the fitness of employees to operate vehicles. Any employees believed to be operating a County vehicle under the influence of alcohol shall be subject to the Substance Abuse Intervention Policy.
  8. Unauthorized Operators and Riders:

Operators of County vehicles shall not permit the use or operation of any County vehicle by an unauthorized person. Operators of County vehicles shall not permit unauthorized riders in the County vehicles that are assigned to them except for legitimate business reasons. Operators of County vehicles may transport other County employees to and from work as a fuel conservation practice, not as a door-to-door taxi service. Violations of this Section will result in disciplinary action, up to, and including dismissal from County employment.

B. Vehicle Requisition and Replacement

1. All general fund departments with County vehicles are to utilize our County Vehicle Maintenance Garage located at the Mahoning County Sanitary Engineer's Office, 761 Industrial Road, Youngstown, Ohio. If the garage cannot handle the repairs, you will be advised to seek service at a private facility and will be provided cost estimates by County Garage Staff. The dealer shall service all cars under warranty where the vehicle was purchased (except for oil and lubrication).
2. The County Vehicle Maintenance Garage mechanics will inspect all vehicles which are near established replacement limits, or which have high maintenance cost. Based on mechanical condition, use date, service reports, and established need, the County Administrator is to determine if a vehicle should be retained or disposed of and so recommend to the Board of County Commissioners after receiving said report from the mechanic.
3. When determined to be more cost effective, or if requirements justify, vehicles may be leased or rented.

C. Preventive Maintenance and Service Schedule

Vehicles are to receive preventive maintenance according to standards established by the County Vehicle Maintenance Garage mechanics and applied at the Engineer, Utilities and Board of Mental Retardation and any other Department.

1. Officials who have vehicles assigned to their department, office or agency are responsible for required maintenance and service. Any user noting service, safety, or maintenance requirements is responsible for notifying his department head or supervisor.
2. Employees using short-term vehicles are responsible for returning the vehicle in a clean condition with the gas tank filled.
3. A high standard of vehicle cleanliness and appearance, both interior and exterior, shall be required and maintained, consistent with the particular working environment. Department Directors are ultimately responsible for enforcing cleanliness standards for vehicles assigned to their department and personnel will be held accountable for the appearance of that portion of the fleet under their operational control.
4. Vehicle operators shall immediately notify their supervisor, should they detect any unsafe or hazardous condition in or on any County vehicle. (Forms will be provided for this purpose).

D. Accidents Involving County Vehicles and Traffic Citations

1. Accident Reports are to be completed and submitted to the County Human Resources Office, within twenty-four (24) hours of the event.  
ALL EMPLOYEES INVOLVED IN AN ACCIDENT MAY BE SUBJECT TO A URINE TEST/SCREENING. THIS TEST WILL BE ORDERED WITHIN 24 HOURS OF THE EVENT.
2. Parking, moving violations and other fines received during the operation of a County vehicle are the responsibility of the operator. Damage to an employee's vehicle sustained while on County business is the responsibility of the employee or his/her insurance carrier.
3. Operators of County vehicles who establish poor driving records (accidents or traffic citations while using County equipment) may be assigned to defensive driving or other driver's training courses at the discretion of the supervisor/department director, they may also forfeit driving privileges.

E. Disciplinary Action

1. Recurring traffic violations, failure to comply with established vehicle policies and procedures, and misuse or abuse of County vehicles and equipment may result in any of the following disciplinary actions, depending on the severity and circumstances surrounding the violation. The County Administrator and/or Human Resources Director will perform investigation of any and all violations with the other elected official of the assigned department involved. They will recommend which of the following actions should be taken by the Board of County Commissioners or the appropriate elected official.
  - a. Written notice - spelling out violation(s);
  - b. For recurring traffic violations and accidents, assignment to a defensive driver or driver's education course;
  - c. Loss of driving privileges - not allowed to use County vehicles, or job reassignment;
  - d. Employees involved in accidents or other non-approved behavior when operating a County vehicle in a non-approved manner, will be subject to disciplinary action up to and including dismissal depending on the severity of the incident.

F. Identification of County Vehicles

1. All County vehicles with County license plates will bear the approved markings:
  - a. "Property of the Board of Mahoning County Commissioners" lettered on the vehicle;
  - b. County or State logo;
  - c. Vehicle Number;

2. The Sheriff's Department vehicles are to bear the approved Sheriff's Star or be unmarked as their use dictates;
3. The vehicles assigned to the County Commissioners Office will only be required to display County plates (O.R.C. 307.52).

G. Fuel Conservation

The County fleet shall be managed, maintained and operated so as to minimize the use of fuels. To that end, all department heads and individual operators are charged with the responsibility of conserving fuel by all practical means and fuel consumption will be monitored by the fleet manager on a fleet-wide basis, as well as by department, on a monthly basis.

In the event that circumstances make it necessary, fuel will be allocated and rationed according to a plan approved by the Board of County Commissioners giving priority to emergency vehicles, fill-up as needed to essential service vehicles, and monthly allotments to other vehicles in decreasing amounts depending on use category. The fleet manager in each department shall administer such an approved plan.

The following represent fuel conservation measures to be practiced fleet-wide:

1. Elimination of all unnecessary trip(s) which are not useful;
2. Elimination of all extended engine idling for vehicle and/or personal warm-ups.
3. Elimination of all unattended vehicle engine idling while conducting business;
4. Establishment of more/most direct routes to work sites.
5. Use of proper vehicle for job at hand (i.e., do not use dump trucks for transporting workers only; utilize multi-passenger vehicles to transport workers and materials, etc.
6. Plan and coordinate all work activities so as to use the most efficient vehicles and so that only one (1) trip to the job site is necessary.
7. Limit use of vehicles known to be "gas-hogs."
8. Practice smooth acceleration and deceleration to avoid both "jack-rabbit" starts and panic" stops.
9. Combine several short trips into one longer trip.

Section 12.2

USE OF COUNTY VEHICLE EXCEPT FOR OFFICIAL BUSINESS PROHIBITED

- A. No unauthorized person shall use or drive any automobile, motorcycle, or other conveyances owned, hired, or leased by the Board of County Commissioners for the use of any County official or employees, for any purpose than the transaction of official business. (Section 307.43 of the Ohio Revised Code).
- B. Violation of this section is a criminal offense, punishable by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) and imprisonment of not less than ten (10) days nor more than sixty (60) days.

Section 12.3 VALID DRIVER'S LICENSE VERIFICATION POLICY

A. Policy Statement

1. It is the policy of the Board of Mahoning County Commissioners to own and maintain vehicles for use by its employees while they are engaged in County business. An employee may use his or her own vehicle for County business, if necessary, with the prior approval of his/her supervisor.
2. Pursuant to Ohio Revised Code Section 124.71, it is the policy of the Board of County Commissioners that every employee whose job duties require the operation of a vehicle on County business shall be required to possess a valid Ohio driver's license.
3. It is also the policy of the Board of County Commissioners to maintain a comprehensive vehicle liability insurance policy covering employees as additional insured while using a County vehicle on County business.

B. Policy

1. In compliance with the County's vehicle insurer underwriting guidelines, it is the policy of the Board of County Commissioners to verify the validity of the driver license and check the driving record of every employee, on at least an annual basis by reviewing the records of the State's Bureau of Motor Vehicles.
2. Recognizing the fact that the possession of a valid driver's license is critical in the performance of many of the positions in the County, the Board of County Commissioners reserves the right to take whatever appropriate action is deemed necessary to meet the County's business interest in the event that an employee does not possess the minimum class requirements of the incumbent position. Decisions made by the Board under this provision will be based on the incumbent's job duties and responsibilities and the traffic violations incurred by the employee.
3. Upon the consideration of employment of a new hire, it is the policy of the Board of County Commissioners to verify the validity of the applicant's driver's license or Commercial Driver's License (CDL) and review the driving record, before employment is finalized for those positions which require a valid driver's license in the performance of the job duties.
4. The Board of County Commissioners' Department Directors are directed to prepare a report identifying each allocated position in their respective department and specifying each position as:
  - a. No driver's license required;
  - b. Valid drivers license desirable;
  - c. Valid driver's license required;
  - d. Valid commercial driver's license required.

C. License Revocation Policy

1. Any time a County employee is arrested for a moving violation that would result in suspension, they shall report the violation to their Supervisor within 24 hours or the next scheduled workday. Failure to notify and discovery by Department shall be a Group 3 offense.
2. During the period of time between the arrest and disposition of the case, the employee will be assigned to a non-driving

position in the workforce at their same rate of pay. The driving position will be filled on a temporary basis.

3. After disposition of the case, if the employee's license is suspended or revoked, they will be reassigned to a non-driving function at that position's rate of pay until they have their license reinstated by the Court or the State of Ohio.
4. If the employee is found innocent, they will be reinstated to their former position and no record will be kept of the incident.